UNITED
NATIONS

CRC

Convention on the
Rights of the Child

Distr.
GENERAL

CRC/C/3/Add.47
9 December 1996

ENGLISH
Original: SPANISH

COMMITTEE ON THE RIGHTS OF THE CHILD

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLE 44 OF THE CONVENTION

Initial reports of States parties due in 1992

Addendum

PARAGUAY*

[13 November 1996]

IMPLEMENTATION OF THE CONVENTION ON THE RIGHTS OF THE CHILD

(List of issues to be taken up in connection with the consideration of the initial report of Paraguay)

General measures of implementation

1. What measures have been taken or are foreseen to make the State party report widely available to the public at large (pursuant to art. 44 of the Convention)?

1. So that the report of the State party may be made available, it is to be distributed to governmental and non-governmental organizations which deal with the question and to be translated into the vernacular language Guaraní.

2. The report is also to be made available on radio and television and in the press; and seminars and workshops will be held to analyse it.

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* The present document contains the additional information requested by the Committee on the Rights of the Child at its seventh session during the consideration of the initial report of Paraguay (CRC/C/3/Add.17) on 4 and 5 October 1994 (see CRC/C/SR.167 and 168); see also the report of the Committee on the Rights of the Child on its seventh session (CRC/C/34, paras. 114-129).

GE.97-15300 (E)

2. Please provide further information on the steps taken or planned to ensure that the principles and provisions of the Convention are made widely known to adults and children, including those living in rural areas, belonging to indigenous groups or speaking Guaraní (paras. 4 and 19 of the report).

3. As of 1993, the Directorate-General for Human Rights adopted measures to make the Convention on the Rights of the Child available throughout the Republic and to children in rural areas and indigenous groups through "The Children's election campaign: Children, vote for your rights", which was intended for children in upper primary school (fourth to sixth grades) and young people in basic education (first to third levels).

4. The process of organizing, providing training for and carrying out the campaign took place with a view to promoting civic, democratic, participatory and human values and teaching children and adolescents respect for these rights as a means of establishing peace and freedom in the country and complying with article 42 of the Convention on the Rights of the Child.

5. In terms of method, the campaign was designed to be participatory and direct in order to make the content of the Convention on the Rights of the Child known through the training of teachers, supervisors, directors and parents at four-hour workshops in the capital and eight-hour workshops in towns throughout the country taught in the official language and in the mother tongue of particular places (see annex No. 1).

6. In 1992, Executive Decree No. 148 of 1992 approved the National Plan of Action for Children, which is designed to achieve the goals and objectives set by the World Summit for Children held in New York in 1990.

7. The Plan was evaluated by the Technical Planning Secretariat of the Office of the President of the Republic and the United Nations Children's Fund (UNICEF) on 12 August 1996.

8. The ministries involved in matters relating to children and representatives of the Church make up the National Coordinating Committee chaired by the Minister of Education and Worship, Nicanor Duarte Frutos. An Interministerial Technical Committee has been set up to revitalize the National Plan of Action for Children. According to sources in the Office of the President of the Republic, the Technical Committee's purpose is the realistic adjustment of strategic operating structures, activities and budgets to make implementation and monitoring more viable.

9. UNICEF also increased its technical and financial contribution and is supporting strategic initiatives designed to broaden health and education reform, increase the population's access to water and sanitation and solve chronic nutritional problems such as the lack of iodine.

10. In 1993, the Ministry of Public Health and the Coordinating Office for the Rights of Children and Young Persons held six meetings with children from various towns in rural areas of the country in order to make a superficial diagnosis of the situation of street children in rural areas.

11. In 1994, a movement composed of the following governmental and non-governmental organizations was established to defend the cause of children.

12. Governmental organizations: Ministry of Public Health and Social Welfare; Ministry of Justice and Labour; Ministry of Education and Worship; Attorney-General's Office; National Police; Juvenile Courts; Office of the First Lady of the Nation.

13. The Coordinating Office for the Rights of Children and Young Persons (CDIA) is composed of 15 non-governmental organizations.

Results achieved

14. The Government has declared that 9 to 16 August will be the "Week for the Rights of Children", the aim of which is to make the rights of the child widely known to all sectors in the country each year.

15. In 1995, the same group of governmental and non-governmental organizations set up the Permanent Forum for the Rights of the Child in order to prepare the draft Children's and Young Persons' Code on the basis of the Convention.

16. As the government body set up to deal with the health, care and well-being of high risk social sectors, the Ministry of Public Health and Social Welfare proposed the establishment of the National Centre for the Protection of the Rights of the Child (CENADI), which is composed of all governmental and non-governmental organizations, to investigate, plan and implement programmes, projects and interconnected activities in a coordinated manner, with broad community participation, in order to promote and give effect to the rights of the child.

17. CENADI intends to set itself up as a focal point for the defence and protection of the rights of the child and, with their own programmes, the agencies which compose it will serve as the basis for its organization, with emphasis on protection, training, research and documentation activities and the creation of a social movement for the cause of children (see annex No. 2).

18. Its areas of activity are:

19. Training; documentation; research; advisory services; and programme implementation in and outside the capital.

20. Services: service for the prevention of child abuse and care of abused children; service for full assistance to street children; family welfare service.

Programme for the dissemination of the rights of the child

21. In connection with the Week for the Rights of the Child, which was established by Decree No. 5039 of 1994 and takes place from 10 to 16 August each year, all government bodies whose functions relate to children carry out activities to promote and disseminate the rights of the child.

22. Programmes have been formulated for the broad dissemination of the rights of the child to teachers and pupils.

23. During the Week for the Rights of the Child in 1995, work was done with the Ministry of Education and educational materials and guidelines on the rights of the child were sent to 30,000 primary school classes in rural areas. The material is bilingual, in Spanish and in Guaraní (see attached leaflet).

24. Training and study workshops were held on topics such as child labour, international adoption and child offenders and were also attended by foreign guests.

25. The two largest newspapers in the country were requested to disseminate the Convention on the Rights of the Child in cartoon form. In all, the two newspapers published 80,000 copies that were used as teaching materials in schools.

26. The end of the year marked the start of "The police are children's friends" project, which is designed to train police personnel in procedures based on the rights of the child and to make the police the protectors of children.

3. Please provide information on the measures taken to increase the number of professionals working with and for children, including teachers, judges and law enforcement officials (para. 46 of the report), and to ensure that the training programmes developed for such professionals incorporate education about the Convention.

27. With regard to measures taken to increase the number of professionals working with children, including teachers, judges and law enforcement officials, it may be pointed out that:

28. The teacher training programme of the Ministry of Education and Worship includes human rights and democratic education training units.

29. The supervision of teacher training in regional centres throughout the country has supplemented teacher training for two years.

30. The Curriculum Department has prepared courses to be taught at the primary school level as "democratic education", which includes principles embodied in the Convention on the Rights of the Child.

31. With regard to the training of judges, the Directorate-General for Human Rights worked together with the Supreme Court of Justice and under the auspices of the Inter-American Institute of Human Rights in San Jose, Costa Rica, to organize a seminar on the "Application of international human rights instruments in judicial decisions" to teach judges in courts in the capital and throughout the country how to invoke and apply the content of international treaties, including the Convention on the Rights of the Child, in judicial decisions.

32. The same training unit is to be given to officials of the Public Prosecutor's Office in 1996, once the Council of the Judiciary has finalized

appointments to the judiciary. This will make it possible to professionalize the staff responsible for the administration of justice and thus create more opportunities to invoke provisions of internal and international law.

33. With regard to law enforcement officials, the General José Eduvigis Díaz Police Academy has had human rights courses since 1992 and its curriculum includes international instruments, but the teachers, who are university professors at present and future police teachers require training.

34. With technical assistance to be provided by the Centre for Human Rights in Geneva, the Directorate-General for Human Rights is planning a training course for police officers which will be entitled "Human rights training programme for police officers" and will be designed to disseminate information on international human rights standards with a bearing on police work, to promote respect for and the protection of human rights and to provide the necessary elements for their implementation by the police.

35. Two one-week training courses will be held. The first is intended for teachers at the training academy and the second for commanding officers. The participants will receive copies of international instruments, including the Convention on the Rights of the Child, the United Nations Standard Minimum Rules for the Administration of Juvenile Justice ("The Beijing Rules") and the United Nations Rules for the Protection of Juveniles Deprived of Their Liberty.

4. To what extent and in what ways are non-governmental organizations involved in monitoring the implementation of the Convention on the Rights of the Child by the State party?

36. Since 1993, non-governmental organizations have organized the Coordinating Office for the Rights of Children and Young Persons (CDIA), which is composed of 15 non-governmental organizations. It was responsible for analysing and submitting the report on the implementation of the Convention in Paraguay in 1994 and keeps all the non-governmental organizations and other grass-roots social organizations informed about the implementation and application of the Convention by disseminating information in the press and organizing events.

37. With the support of UNICEF, CDIA set up the Permanent Forum for the Rights of the Child, a joint multi-participatory body (governmental and non-governmental organizations), whose activities include the study and preparation of the draft Children's and Young Persons' Code.

5. In the light of the automatic incorporation of the Convention into domestic law, have the provisions of the Convention been invoked in courts?

38. In this connection, a report submitted by the Juvenile Correctional Prosecutor's Department in the Public Prosecutor's Office states that, although the Convention on the Rights of the Child has been incorporated into Paraguay's domestic law, lawyers submitting their briefs to the courts rarely if ever refer to provisions of the Convention. The same is not true of some judges in juvenile courts, especially the Correctional Court (members of the

Court of Appeal, courts of first instance and prosecuting officials in Juvenile Guardianship and Correctional Courts), who base their decisions and rulings not only on the Convention on the Rights of the Child, but also on other international rules, such as the United Nations Standard Minimum Rules for the Administration of Juvenile Justice ("The Beijing Rules") and the United Nations Rules for the Protection of Juveniles Deprived of Their Liberty.

39. Except in criminal courts of first instance, which hear cases against juveniles charged with an offence, judges do not base their decisions on the international instruments in question (see annex, case law of prosecuting officials in Second and Third Rota Juvenile Correctional Courts).

40. The second rota juvenile guardianship prosecuting official in the Public Prosecutor's Office has reported that, in the years since Paraguay's ratification of the Convention on the Rights of the Child, there have been only six juvenile guardianship cases in which the lawyers have referred to the Convention in their briefs. The cases in which judges and prosecuting officials base their decisions on the contents of the Convention relate to ownership and adoption.

41. In trips around the country, the Public Prosecutor's Office (and, in an agreement with the United Nations, the Public Prosecutor's Training Department) found that the Convention is not observed by law officers mainly because they do not know about it. It also found that 99 per cent of judges and prosecutors do not know that the Convention has been part of Paraguayan domestic law since 1990 and that it is therefore necessary to have training courses and reference materials on international instruments. The districts visited were Coronel Oviedo, Pedro Juan Caballero, Encarnación, Misiones and Cuidad de Caaguazú (Court of Criminal Investigation).

42. The provisions referred to in this question are frequently invoked in proceedings relating to situations involving children and the courts have taken them into account.

6. Please provide additional information on the proposed adoption of a new Juvenile Code (para. 28 of the report).

43. Following the ratification of the Convention on the Rights of the Child, Paraguay undertook to enact a new Code for Children.

44. Since 1991, three draft bills have been prepared and work on them was coordinated by the Directorate-General for the Protection of Juveniles, Defense for Children International and the Juvenile Protection Centre (CEDEM), but, because of the lack of consensus, they have not reached the legislative stage and, on the proposal of the lead juvenile agency, the Directorate-General for the Protection of Juveniles, in a meeting convened by UNICEF, it was urged that a new Code for Children should be drafted because the current one is out of date. The Permanent Forum for the Rights of the Child was therefore set up to prepare a draft bill that would meet the expectations of all sectors working for and with children.

45. The draft bill entitled "Children's and Young Persons' Code" was prepared by a multidisciplinary and multisectional drafting committee chosen from among the members of the Permanent Forum, composed of governmental and non-governmental representatives, and was submitted to the National Congress in December 1995 with the support and backing of the Directorate-General for the Protection of Juveniles under article 318 of the existing Juvenile Code, which defines the powers and functions of the Directorate-General (see annex, note submitted to the National Congress).

46. In spirit, the draft bill is based on the principle of full protection contained in United Nations instruments such as the Convention on the Rights of the Child, the Standard Minimum Rules for the Administration of Juvenile Justice, the Rules for the Protection of Juveniles Deprived of Their Liberty and the United Nations Guidelines for the Prevention of Juvenile Delinquency (The Riyadh Guidelines)(source: journalists' file on the "Week for the Rights of the Child", 9-16 August, CENADI-CDIA-UNICEF).

Legal framework

47. The draft Code contains 473 articles and its general provisions contain a facsimile for the registration of a live birth and statistical information on new-borns, with footprints of new-borns and fingerprints of parents, in accordance with the provisions of articles 44, 45 and 46 of the chapter on identity and the transitional provisions (see annex).

48. It contains a preliminary title on basic principles stating that its provisions relate to: public order and take precedence.

49. The draft bill covers the substance and form of the Code, organizing it into six books divided into titles and chapters. Book I, title I, on the rights and duties of children and adolescents, contains chapters on the protection of motherhood, food, health, identity and education.

50. Book II relates to parental authority over children; suspension, loss and termination of parental authority; adoption; subjects of adoption; adopters; consent; international adoption; guardianship (various forms: by parents, by patients, dative and special); discernment; administration of property of children and adolescents; termination of guardianship; accounts.

51. Book III relates to child labour (children working for another's account, apprenticeship, children working for their own account); and to work by pregnant and nursing women.

52. Book IV governs the composition and jurisdiction of specialized courts; the appeal court; the guardianship and correctional departments in the Public Prosecutor's Office; and the Ombudsman, a new component of the legal system which has been introduced to institutionalize the protection of the rights of children and adolescents as a necessary service in the context of legal proceedings and whose guardianship and correctional work formally guarantees the rights of the defence, even in cases of the violation of constitutional guarantees.

53. Book V governs procedural activity, including ordinary first and second instance guardianship proceedings; special proceedings to determine alimony for children, adolescents and pregnant women; and adoption. Correctional proceedings cover procedural guarantees, detention, preliminary investigations and trial; and proceedings in the Correctional Appeals Court (set up as a necessary new court). These books are all divided into chapters providing for penalties in the event of violations of the provisions of the Code.

54. Book VI governs administrative jurisdiction and sets up the National Institute for Children and Young Persons (INNA) as an autonomous and self-sufficient lead agency which will be responsible, inter alia, for adopting national policy, plans and programmes in accordance with the provisions of this Book.

55. A new administrative feature is the establishment of Communal Ombudsmen for Children and Young Persons, a significant step forward in the decentralized administrative service in view of the need to deal urgently with the cases under consideration.

56. The Specialized Police Unit has also been established to assist and cooperate with government bodies in the education and protection of children and young persons.

57. With regard to the follow up of international adoptions, it has been determined that agreements and conventions have to be concluded with countries to which adopted children will go, despite the signature and ratification of the Convention on the Rights of the Child (Act No. 900/96).

58. The concept of "lack of legal responsibility" has been done away with, since it has prejudicial connotations and is primarily criminal and not correctional in nature.

59. The concepts of "abandonment" and "danger" have been replaced by that of "vulnerability", thereby giving the Government greater responsibility for eliminating it through the full and genuine implementation of a national policy relating to children and adolescents.

60. The draft bill states that full capacity and majority are attained at age 18. The retention of the age of 20 in the existing Juvenile Code (Act No. 903/81) is a legislative discrepancy and a regrettable form of discrimination that is contrary to the rights provided for in the Convention.

61. In the opinion of Dr. Emilio García Méndez, adviser on the rights of the child in the UNICEF Regional Office for Latin America and the Caribbean, the most salient features of the draft bill are:

62. The constitutionalization of the rights of the child; municipal decentralization to incorporate the unconstitutionalization of community participation in the law; genuinely, and not just euphemistically, making children and adolescents subjects of law and of obligations; and including elements in legal provisions to help strengthen the family (source: Noticias, 14 August 1996).

63. There has been sharp criticism of the content of the draft bill, such as:

(a) The decentralization policy is lost in the gigantic structure of the administering agency (Institute for Children and Young Persons) and the large proportion of the general budget earmarked for it is not consistent with the plan to reduce government, decentralize services and coordinate efforts;

(b) The fact that it is a code for children and young persons, thereby creating two separate categories, namely, children and young persons, but at no time stating where childhood ends and adolescence begins;

(c) There are few provisions on adoption, thus leaving normative content to the interpretation of the courts;

(d) There is a flashy interpretation of "non-liability", which will nevertheless be taken into account in the new Penal Code; the two Codes therefore have to be harmonized;

(e) A haphazard approach is adopted, since the Code does not clearly state the law or encourage and promote it;

(f) Features such as health and education assistance centres are set up and will be operated by the lead administering agency, but without any clear-cut indication of coordination with existing ministries (source: Noticias, December 1995).

64. As a result of this criticism and the request made by the legislative branch, i.e. specifically by the Senate Commission on Codification and Legislation, UNICEF hired Dr. Emilio García Méndez, adviser on rights of the child in the UNICEF Regional Office, to provide support for the ongoing legislative process and carry out an analysis of the draft Code.

65. On 8 August 1996, a seven-member multisectoral drafting committee composed of governmental and non-governmental organizations was set up to analyse and draft the final legal document within about four months. The draft Code is then expected to be adopted by the National Congress.

7. Please provide further information about national institutions existing in Paraguay which are designed to coordinate and monitor the implementation of measures adopted to promote and protect the rights of the child recognized by the Convention.

66. There are traditional national institutions responsible for coordinating and monitoring the implementation of measures to protect and promote the rights of the child, such as the Directorate-General for Human Rights, the Directorate-General for the Protection of Juveniles, the Metropolitan Police Family Department and the Mother and Child Department of the Ministry of Health, in addition to the Provincial and Municipal Child Welfare Departments, the Juvenile Correctional Court and the new Crime Policy Department in the Attorney-General's Office through its section for assistance to victims of ill-treatment and sexual abuse.

8. Please provide further information about the measures taken to ensure that, pursuant to article 4 of the Convention, the allocation of available resources is ensured to the maximum extent possible both at the central and local levels to implement the economic, social and cultural rights of children.

67. In accordance with the country's Social Development Plan, more resources have been earmarked for central institutions such as the Ministry of Education, which made 1,000 more posts available for teachers in order to increase educational coverage.

68. The Ministry of Health has also considerably increased vaccination and transmissible disease prevention coverage.

69. Concern about the overall situation of children in Paraguay is reflected in articles 53, 54, 61, paragraph 2, 75 and 76 of the Constitution, as well as in the provisions referred to in this question. However, the rights of the child in the broad sense cannot fully be implemented in the country if more effective, specialized and independent bodies are not set up with their own administration, sufficient resources and interdisciplinary staff trained to deal with the not at all easy problem of children in our country.

70. The existing administrative provisions and bodies are inadequate and do not have the necessary structure and resources to carry out acceptable work. The greatest efforts by those responsible for these few bodies dealing with children cannot be functional and effective in such conditions.

71. At many seminars and specialized meetings, it has been obvious that the National Institute for Children and Young Persons has to be established on serious and responsible scientific, legal and administrative foundations, and headed by trained technical staff specializing in the question and not having any incidental interests.

9. To what extent is international cooperation designed to enhance implementation of the Convention on the Rights of the Child?

72. Assistance by the Centre for Human Rights is planned through the implementation of the National Plan of Action for the Protection and Promotion of Human Rights in Paraguay, which is the responsibility of the Directorate-General for Human Rights. To this end, a committee has been set up to formulate programmes and strategies relating to the rights of the child.

73. The Plan for the Rights of Children and Young Persons is being implemented, CENADI and the Centre for the Promotion of Children's Rights have been established and the Permanent Forum for the Rights of the Child has been set up.

74. Since 1991, committees have been set up with UNICEF's support to amend the Juvenile Code and bring it into line with the Convention on the Rights of the Child. The latest proposal submitted to the National Congress in December 1995 is being reviewed by a new committee composed of representatives of governmental and non-governmental organizations dealing with children.

DEFINITION OF THE CHILD

10. Please provide information on the minimum age for legal and medical counselling and for sexual consent.

75. The Civil Code sets the age-limit for sexual consent at 16 for boys and 14 for girls.

76. Although article 1 of Act No. 57/90, whereby the Convention on the Rights of the Child was adopted, states that "a child shall be any human being aged under 18", in practice this rule is not observed. In accordance with the Juvenile Code, a minor is anyone from the moment of conception until the age of 20.

77. Persons aged over 18 may perform military service, minors aged from 12 to 14 may be employed, subject to authorization, and the age of criminal responsibility is 14.

GENERAL PRINCIPLES

11. Please indicate whether the Government is considering taking steps to raise the minimum age of marriage for boys and girls and to make that age the same for both boys and girls, in line with the provisions of article 2 of the Convention.

78. In conformity with the provisions of article 2 of the Convention, Paraguay's Civil Code and its partial amendment (Act No. 1/92) have raised the minimum age for marriage and set the same age for both sexes. The Code stipulates as follows: "Minors between the ages of 16 and 20 shall require their parents' or guardians' consent in order to marry. If one of the parents is legally incompetent, the other's consent shall suffice. If both parents are incompetent or have been deprived of parental authority, the decision shall be taken by the juvenile guardianship court".

79. One of the conditions laid down by the Code in respect of matrimony is that persons aged under 16 may not marry, with the exception of persons aged over 14 who have a special exemption granted by the juvenile guardianship court.

12. Please indicate the specific measures being taken to combat discrimination against girls, including measures to eliminate and prevent discriminatory attitudes and prejudices.

80. The educational reform has introduced principles of non-discrimination based on sex, as reflected in the first stage of the reform's implementation through the curriculum of the first cycle and part of the second cycle of primary education and in the texts recently adopted for the first, second, third and fourth grades.

13. Please indicate the measures undertaken to overcome the difficulties faced by children speaking Guaraní at the school level (see para. 19 of the report).

81. Under the provisions of article 77 of the 1992 Constitution, "Teaching in the early years of schooling shall be in the pupil's official mother tongue. Students shall also be taught, and shall learn to use, both official languages of the Republic".

82. In this regard, the Educational Reform Council has introduced Guaraní as a subject in all grades of the primary and secondary cycles. Teachers in rural areas are required to teach in the vernacular language. Texts have also been prepared to assist in the implementation of bilingual education.

83. The following measures have been adopted by the Educational Reform Council of the Ministry of Education and Worship under the Strategic Educational Reform Plan (Paraguay 2020) to solve the problems faced by Guaraní-speaking children in basic general education:

1. The preparation of a basic bilingual educational curriculum for young people and adults and of course material, primarily for Guaraní speakers.

   1.1 The development of a basic education curriculum corresponding to the reform's guidelines and to methodological emphasis. The development of a bank of teaching guides (about 600) in order to implement the basic education curriculum for adults.

   1.2 The preparation of approximately 200,000 copies of these documents each year to provide support for community teaching centres and organizations implementing outreach and training projects in rural areas, with which agreements may be concluded to provide basic education.

2. The establishment of a bilingual basic education programme by radio for Guaraní speakers in all departments.

   The promotion, on the basis of experience in education by radio, of the development of a basic education radio programme in each department, with local resources and management.

   2.1 The establishment of a programme management unit.

   2.2 The production of educational radio programmes: master recordings and printed course material for Guaraní speakers.

   2.3 Agreement with provincial secretaries of education on the establishment of a basic education radio programme in each department. The Ministry of Education and Worship will provide technical support and guidelines and outreach workers to conduct the person-to-person tutorial course component. The secretaries will negotiate free air-time on the radio and mobilize local groups (NGOs, churches, etc.) to participate in coordinating and promoting this activity.

2.4 Refresher courses to enable serving educational officials and trainers from the Directorate of Education for Young Persons and Adults to work as outreach workers in developing semi-person-to-person course components.

2.5 Setting up the units responsible for producing the programme in each department.

3. The development of a bilingual literacy programme using young volunteers and teacher training students, secondary students, etc.

3.1 The preparation of plans and material for literacy work.

3.2 The implementation of a training programme for literacy teachers.

3.3 The production of copies of material (booklets and cassettes) to teach 100,000 adults how to read and write each year for the next three years.

3.4 The conclusion of agreements with groups operating in the field (teacher training institutes, the Church social service, the Secretariat for Women, NGOs, secondary schools, etc.) using volunteers or young persons performing their civil service who will take part in the programme (source and annex, Strategic Educational Reform Plan, Paraguay 2020).

Restrictions on teaching children whose mother tongue is Guaraní in Spanish.

84. In Paraguay, most children grow up in homes where the preferred language is Guaraní. According to the 1994 household surveys conducted in urban areas, 30 per cent of 6 year-old children speak Guaraní at home, while 36 per cent speak a combination of Guaraní and Spanish. The proportion of children speaking Guaraní at home is probably higher in rural areas. As a result, in addition to coping with the transition from the home to the school environment, most of these children have to communicate in a foreign language. To deal with this situation, the educational reform has introduced a bilingual education programme using two models, one for each stream: the Spanish-Guaraní stream, in which the first language (L1) is Spanish and the second (L2) Guaraní, and the Guaraní-speaking stream in which Guaraní is L1 and Spanish L2. It should be mentioned that boys and girls studying in either stream will be able to use both official languages equally well. Children who speak only Guaraní are catered for by a controlled coverage plan involving approximately 400 schools. This is a major social and cultural initiative requiring the definition of a language policy, as well as close follow-up as it develops and extends (source and annex, El Desafío Educativo, Una Propuesta para el diálogo sobre las oportunidades educativas en el Paraguay, March 1996).

14. What efforts are being made to collect disaggregated data on children living in the rural areas, poorer urban areas, as well as on disabled and indigenous children, as regards their enjoyment of the rights provided for under the Convention?

85. In 1994, the Directorate-General of Statistics, Surveys and Censuses carried out the first national household survey of Paraguay's urban areas; rural areas were covered in 1996. Data relating to children were gathered under the following headings.

Information on housing and the composition of households

(a) Demographic variables such as age, sex, relationship, migration one and five years previously and reasons for migration, etc.

(b) Educational variables for persons aged five and over (level, grade or course, attendance, distance to and minimum period of attendance at an educational establishment and reason for failing to attend).

(c) Employment variables for persons aged seven and over, including branch, category, occupation, number of hours worked, income, level of employment, underemployment, etc.

(d) Participation in non-economic activities and state of health of persons aged seven and over suffering from, inter alia, non-chronic illnesses.

86. Clearly, the data obtained from the household surveys provide us with an overview of the socio-economic situation of Paraguay's children. They are highly relevant for the preparation and design of strategies to ensure the effective enjoyment of the rights of the child.

87. The 1992 Yearbook of the National Population and Housing Census also contains a wealth of information broken down by age cohort. Data relating to children can therefore be obtained simply by defining an age cohort, for example, from 0 to 12.

88. The topics selected for analytical purposes include:

(a) Child population, by sex and age.

(b) Child population, by level of education, average number of years' schooling.

(c) Child population attending a regular educational establishment.

(d) Literate and illiterate child population.

(e) Child population by activity status, EAP by branch of activity, principal occupation and occupational category.

(f) Child mortality (in the Population Forecasts Yearbook).

15. In view of the information contained in paragraphs 62 to 64 of the report, please provide clarification as to the ways in which the "best interests of the child" are taken into consideration in judicial, administrative and other proceedings, including situations of "de facto family placements" (paras. 22 and 103) and adoption (para. 102).

89. In judicial proceedings, the "best interests of the child" are determined, assessed and measured on the basis of the child's circumstances, such as his family, living conditions, social status, education, the overriding concern being his health and personal development potential, to which he is entitled under the Constitution.

90. Family placement must be carefully and rigorously considered in order to avoid the recurrence of cases which have set the dangerous and regrettable precedent of the exploitation of minors as domestic workers.

91. When family placement is decided, as much information as possible should be gathered on the persons who will assume responsibility for the child's care and upbringing and, above all, each child placed should be permanently and regularly monitored. This is difficult to guarantee in practice, the administration is disorganized and there is a shortage of funds.

92. In the case of adoption, "the best interests of the child" are assessed on the basis of the opportunities the adoptive family is able to offer the child; these must not be simply declarations of intent, but clearly and plainly set out in documents attesting to the reliability and authenticity of the references.

93. There are no serious grounds for the often stated categorical opposition to the adoption of children by families living abroad. Although children should, ideally, not change country unless the conditions are right and they have an opportunity for a considerable improvement in their standard of living, their prospects for the future and their full development, the possibility should not be ruled out because that would be a small-minded, selfish and nationalistic attitude that is completely outmoded and harmful for children. Concern that Paraguayan children should not be forced to leave the country in order to survive or to improve their standard of living should lead to the establishment of the necessary structures to take care of them from the time of conception, at birth and while they are growing up, in terms of education, health, vocational guidance and decent if basic living conditions, as well as to the adoption of measures to protect the best interests of the child in legal and administrative terms.

94. Because of constant irregularities in respect of adoptions, the Supreme Court introduced a plan for a one-year moratorium on international adoptions; the plan was adopted and entered into force on 18 September 1995. Congress is currently considering an adoption act which will determine the procedures to be followed in this regard.

16. In the light of information contained in paragraphs 77 to 81 of the report, is the Government considering taking steps to ensure that the principle of respect for the views of the child is taken into account in all matters affecting the child, particularly in judicial and administrative proceedings?

95. With regard to participation by children in educational establishments, student centres have been set up to provide integration courses for parents and teachers and workshops for teachers and pupils in order to solve the problems faced by schools and the educational community.

96. In guardianship and judicial matters, the judge is authorized by the Juvenile Code to take decisions in respect of problem children without hearing them and without taking account of their parents' wishes.

97. Under the draft Code, problem children will no longer come under the jurisdiction of the courts. The agencies responsible for providing special protection will be required to hear the child and his parents in order to involve the family group in support programmes. The judge is required to hear children who have committed offences.

17. In the light of the information contained in paragraphs 80 and 81 of the report, please provide further information on the measures taken to ensure the consideration of complaints made by children or adolescents on sexual abuse.

98. With the assistance of the Victims Support Department in the Attorney-General's Office, the Juvenile Criminal Courts are tightening up procedures to ensure the consideration of complaints of sexual abuse.

18. Please provide information on the measures taken to promote and ensure the participatory rights of children, including within the school and local community.

99. The Directorate-General for Human Rights has drawn up, organized and coordinated the 1993 version of the "Children's election campaign: you too are concerned" in order to promote civic, democratic, participatory and human values and teach children and young persons respect for human rights as a means of establishing peace and freedom in Paraguay and complying with article 42 of the Convention on the Rights of the Child. In all 750,000 primary school and 186,000 secondary school pupils took part in the campaign.

100. In addition, 30 departmental secondary education supervisors, 53 primary education supervisors, 1,750 public and private primary school headmasters, 7,500 upper primary school teachers and 3,205 secondary school teachers took part in the campaign, which covered the capital and 15 departments.

101. Through the introduction of grade councils, in which decision-making is done by class representatives, the Ministry of Education has ensured that children and young persons take part in school decisions. Although they serve a cultural purpose, the students' centres also ensure that pupils participate.

102. The Secondary Organization Movement (Movimiento de Organización Secundaria) (MOS) and the Secondary Students' Federation (Federación de Estudiantes Secundarios) (FES) are organizations that represent the interests of students as a whole.

Civil rights and freedoms

19. How is birth registration ensured, particularly in rural areas and where indigenous children live?

103. Act No. 1266/87 (Civil Registry Act) does not provide for any discrimination in respect of the registration of births in Paraguay, whether they occur in rural areas or in areas where indigenous children live.

104. The Act stipulates that births in Paraguay are to be registered in the birth register of the registry office in the place of birth.

105. Proof of birth is provided by a certificate issued by the doctor or midwife delivering the baby. If the birth takes place without medical assistance, the parents of the newborn child or any of its relatives are required to inform the health authorities of the birth within one week in the capital and two weeks in rural areas so that it may be registered.

106. The birth of the orphan children of married or unmarried couples, of children whose parents or parents' whereabouts are unknown and of children both of whose parents are absent, incapacitated or dead, may be registered by means of a personal statement by the person concerned, provided that he submits proof that he is an adult and the registry official finds the circumstances credible.

107. If the person is a minor, the registration may be made with the permission of the Guardianship and Correctional Juvenile Court of First Instance, which will provide the data required by law for the registration.

20. Please provide information on the right to a nationality as recognized by article 7 of the Convention.

108. In part II of the Constitution on the political organization of the Republic, title I on the nation and the State, chapter III on nationality and citizenship, article 146 provides that the following "shall be natural Paraguayan nationals:

(a) Persons born in the territory of the Republic;

(b) Children whose mothers or fathers are Paraguayan and who were born abroad while one or both of their parents were in the service of the Republic;

(c) Children whose fathers or mothers are Paraguayan and who were born abroad, when their parents settle permanently in the Republic;

(d) The children of unknown parents who are found in the territory of the Republic".

109. The right provided for in paragraph (c) is formally recognized if the person concerned makes a statement as soon as he reaches the age of 18. If he is still under 18, a statement by his legal representative will be valid until he turns 18, subject to his approval.

110. Article 147 of the Constitution states that no natural Paraguayan may be deprived of his nationality, but he may voluntarily relinquish it.

21. Please provide information on the measures taken to ensure the implementation of article 8 of the Convention.

111. The Civil Register requires that a certificate of live birth must be produced and that the biological parents must be present for the registration of the child's birth. If the certificate has been lost, at least two adult witnesses must be present to testify that the person is a member of the family.

112. Chapter VII of the draft Juvenile Code on physical integrity provides, inter alia, that, when a child is born, its footprint is to be taken immediately, together with the name and surname of its parents, their address, civil status, identity card number and thumbprints.

113. Each page of the Register, a facsimile of which is annexed to the chapter on the general provisions of the Code, must be stamped, numbered and signed by the Ministry of Public Health and Social Welfare.

114. This requirement is essential for the child's registration in the Civil Register.

115. The director or person responsible for the hospital is required to issue the certificate of live or stillbirth within 36 hours of the birth or death. Persons who fail to do so are liable to a financial penalty and disqualification if they repeat the offence (source: draft Code, arts. 45-50).

22. Is corporal punishment allowed in schools or other institutions for children?

116. Article 331 of the Juvenile Code prohibits all forms of corporal punishment, confinement to a cell and deprivation of food.

117. In addition, article 318 (e) of the Code assigns the administrative agency responsible for children and young persons the task of "reporting and legally prosecuting anyone who violates the physical or moral integrity of minors aged under 20" and article 8 (b) stipulates that all minors are entitled to humane treatment by their parents or guardians.

118. Article 54 of the Constitution on the protection of the child makes it mandatory to guarantee the harmonious and comprehensive development of the child and the full exercise of his rights.

119. Title VIII, article 48 (b), of the primary school regulations provides as follows:

(a) Pupils are entitled to be treated in a caring and understanding manner, without any form of discrimination;

(b) Children are entitled to respect for their personality and may not be harmed by word or deed.

23. Please provide more information on the national campaign for the prevention of abuse and ill-treatment, particularly as to how it promotes children's awareness of the ways and means by which they can inform the relevant authorities and organizations of their ill-treatment or abuse (para. 112 of the report).

120. The campaign for the prevention of abuse and ill-treatment has been supplemented by the measures taken by the Victims Support Department in the Attorney-General's Office. Through children's programmes and educational supplements, the mass media inform children of how they may complain to the competent authorities. At present, governmental and non-governmental action is being taken with a view to the physical and psychological rehabilitation and social reintegration of child victims of sexual abuse or ill-treatment.

121. A telephone hotline, whose number has been published in the press, has been set up in the Attorney-General's Office exclusively for complaints of child abuse.

24. With reference to information contained in paragraphs 95 and 96 of the report, please provide further information on the outcome of investigations into the ill-treatment of children in detention or rehabilitation centres and on the prosecution for such offences against children. In addition, please provide information on the measures taken to prevent situations of impunity.

122. Investigations into and complaints relating to ill-treatment in detention centres are the responsibility of the Directorate of Penal Institutions and non-governmental organizations such as the Fundación Tecojoja. The Ministry of Justice has taken steps to conduct administrative investigations to ensure that cases of ill-treatment in detention centres do not go unpunished.

123. The Fundación Tecojoja, a non-governmental organization, has filed a complaint against the Republic of Paraguay concerning the situation in the Panchito Lopez Re-education Institute. The Ministry of Justice and Labour is dealing with the complaint, which is currently under investigation. As a result of political determination, construction has begun in the town of Itá on a shelter for minors in an irregular situation.

124. As part of the implementation of the National Plan of Action, the Directorate-General for Human Rights plans, through CPNA, to amend the regulations applicable to the various juvenile and adult detention centres, to build prisons in order to solve the problem of prison overcrowding and to introduce domestic criminal legislation in conformity with the Standard Minimum Rules for the Treatment of Prisoners and other related international provisions.

Family environment and alternative care

25. Have family/parental education programmes for the general public been developed?

125. Paraguay has various institutions which carry out this type of activity. In 1989, during the change of Government, the Metropolitan Police Family Department was established.

126. Its basic purpose is to prevent, assist with and investigate the problems of families that suffer from maladjustment or disfunction resulting in difficulties in integration into society and to take preventive action, especially with regard to women and minors in an irregular situation.

127. In order to achieve these objectives, the Metropolitan Police Family Department is organized into three branches: prevention, assistance and investigation and teaching.

128. The minors' and women's specialized police stations were established in 1989, pursuant to resolution No. 47 of the then Metropolitan Police. Their specific function is to provide accommodation for male and female adolescents, up to the age of 19 who are in an irregular situation, morally at risk, abandoned, wayward, vagrant or runaway; minors who have committed misdemeanours or offences and are sent to these police stations by the various branches of the Paraguayan police, local courts or the Juvenile Guardianship and Correctional Courts; and minors with behavioural problems and in need of assistance and protection who are placed there by their parents pursuant to a court order.

129. Bearing in mind the principle established in article 54 of the Constitution, the minors' police station is responsible for providing prevention, protection and assistance to minors in detention and offering them psychological and social guidance in preparation for their reintegration in society by means of informal discussions, educational lectures and other group techniques. One of its activities is the organization of discussions in secondary schools in the capital and other parts of the country.

130. It is also responsible for post-release supervision and monitoring of such minors, particularly in the case of repeat offenders, and of their parents or guardians if they have been ordered to undergo family therapy since the Department provides individual and group therapy free of charge.

131. Through the Social Service, the minors police station appoints a defence counsel for minors who are brought before the ordinary courts and cannot afford a lawyer.

132. The Ministry of Public Health Department of Social Welfare carries out educational programmes for prevention and promotion at the community level.

133. The city of Asuncion's Social Welfare Department has also developed and carried out information programmes at the family level. Towns offer educational programmes for the promotion of the family.

26. Is the Government considering establishing mechanisms to monitor the status of children in those situations referred to in paragraph 113 of the report as a basis for designing appropriate programmes? Is there a need for technical assistance in this area?

134. As a result of the major gaps in State record-keeping, mentioned in paragraph 113 of the report, there is a need for technical assistance in order to develop appropriate programmes in the areas mentioned.

27. Please provide information on the measures taken to ensure, in the light of article 10 of the Convention, family reunification for children who have been living abroad in the period which preceded the democratic regime.

135. In order to guarantee family reunification, the Churches' Committee for Emergency Assistance has a Human Rights Department which works to monitor and, in particular, to support the families of Paraguayans who, having decided to return home, encounter difficulties and numerous problems of documentation (with regard to authentication, visas, establishment of residence, guidance, etc.). It also provides such families with medical assistance.

136. Another important element is the organization of seminars, workshops and radio debates with returnees and their children in order to create a spirit of awareness on the part of society, as well as the provision of fellowships to children of returnees and other victims of the dictatorship so that they may train for middle management careers in the technical field, either in the capital city or in the interior of the country.

28. Have programmes been developed to prevent and reduce the abandonment of children and, if so, are such programmes adequate (para. 22 of the report)?

137. Development programmes for women are being implemented in order to eliminate or limit the reasons for the abandonment of children, but these programmes have thus far been insufficient.

29. In the light of article 21 of the Convention and the safeguards recognized therein, please provide information on any further measures being taken to ensure, inter alia, that the necessary authorization is given by the competent authorities; that an assessment is made of the child's status concerning parents, relatives and legal guardians; that informed consent is given by the persons concerned including, when appropriate, the child, on the basis of relevant counselling.

138. In Paraguay, adoption under the Juvenile Code and court authorization for international adoption are handled by the Juvenile Court judges. Only the courts are competent to issue adoption decrees, which constitute a change in an individual's status and, as such, cannot be entrusted simply to an administrative authority.

139. The relationship between the child and his biological parents is examined in each case on the basis of appropriate identification by means of a birth certificate, an authorized copy of the birth registration document and a certificate attesting to a live birth. However, these documents may falsify the child's true identity.

140. Routine procedures followed by the courts in cases of international adoption include the appearance of the biological mother of the child proposed for adoption before a Juvenile Court judge and prosecutor, the taking of the child's footprints and the subsequent approval of the Juvenile Court Office of Adoptions. In addition, if, as is often the case, the biological mother is a minor, her guardian or mother must appear in court in order to give the necessary consent to her decision to give up her child for adoption and, above all, it is explained to her that, if she consents, her child will be adopted by a family living abroad.

141. Psychological, sociological and environmental studies are carried out in order to ascertain whether the person authorizing the adoption is aware of the consequences of that act and, in many cases, the biological mother is called to appear for a second time in order to confirm or revoke her consent, particularly in the case of very young unwed mothers who have received little organized assistance from the social services.

142. However, the most complex questions with regard to adoption do not arise in the courts as such, where proceedings are public, and, until the moratorium on international adoption, the courts decreed that priority must be given to national adoption and children were referred to only by their initials since the Juvenile Code prohibited any publicity in connection with proceedings involving minors.

143. An adoption bill requiring the implementation of the procedures recommended in the Convention on Protection of Children and Cooperation in Respect of Intercountry Adoption, to which Paraguay recently became a party, is currently before both Chambers of Parliament.

30. Please provide information on any measures being considered by the Government to monitor and supervise intercountry adoption. Does the Government intend to ratify the 1993 Hague Convention on Protection of Children and Cooperation in respect in Intercountry Adoption?

144. Prior to the legal moratorium, international adoption was authorized by a Supreme Court decree issued on the basis of the Constitution, the Judicial Organization Code, the Juvenile Code and the Convention on the Rights of the Child, which is part of Paraguay's domestic legislation. These agreements establish standards intended to ensure the authenticity of all documentation related to the prospective adoptive parents; a Paraguayan lawyer is granted special powers in order to examine their personal documents, such as identity papers, reports on their medical and psychological examinations and economic or professional activities, and reports from the police department of their place of residence and adoption agencies registered with the authorities of their home country. All these documents must be officially verified by Paraguay's diplomatic or consular representatives in the prospective parents' country.

145. Foreign adoptive parents must identify themselves to the court in which the adoption is requested by presenting their passports and must be spoken for by the diplomatic representation of their country accredited with the Government of Paraguay.

146. Without prejudice to the adoptive parents' references (for example, psychological examinations carried out in their own country), the courts have ordered similar examinations to be carried out by Paraguayan doctors and have required that the adoption decision should be confirmed in the presence of the prosecutor and the judge.

147. The courts have also required the submission of post-adoption reports which are, despite limited resources, archived, in some cases after being translated into Spanish from other languages.

148. As stated above, the Supreme Court decreed a one-year moratorium on international adoption in September 1995. During that time, an Adoption Act regulating this institution was to have been adopted, but, since the Act was rejected, the moratorium was extended for an additional six months. Three bills have been submitted to Parliament and will be considered in the appropriate Commission (see annex).

149. The legislative branch ratified the Convention on Protection of Children and Cooperation in Respect of Intercountry Adoption on 18 April 1996 and, on 31 July of that year, the Executive promulgated it as Act No. 900.

31. Please indicate any steps being taken to provide for the regular inspection or supervision of institutions responsible for the care or protection of children (para. 114 of the report), namely, in the light of article 3, paragraph 3, of the Convention.

150. The Directorate-General for the Protection of Juveniles (DGPM), which is part of the Office of the Secretary of State for Justice and Labour and was established by the Juvenile Code, Act No. 903/81, monitors agencies for the protection of children in accordance with the functions and responsibilities provided for in articles 318 (i) and 322 (f) of that Act. In accordance with the provisions of article 336 of that Act, juvenile judges make visits to DGPM establishments.

151. Executive Decree No. 1644 of 23 December 1983 establishes a register of agencies which have activities and/or services related to the protection of children and are monitored by the DGPM, which, in addition to making periodic visits, receives reports on the activities of agencies for the care, custody and protection of children.

152. There are various types of agencies responsible for the protection of children:

(a) Private agencies recognized and authorized by the DGPM, which provide shelter to children who are awaiting international adoption and whose custody is assigned by the Juvenile Guardianship Court of First Instance (see annex for photographs of these shelters).

(b) State agencies which house at-risk children and adolescents and those with behavioural problems. They operate under the jurisdiction of the Special Juvenile Correctional Court.

(c) The National Children's Home, a State agency which houses children who are presumed to have been abandoned or whose parents are physically or economically unable to provide them with a decent standard of living and who request shelter for them for a minimum period of three months.

(d) State agencies under the direct supervision of the Office of the Secretary of State for Public Health and Social Welfare Division of Social Welfare, which do not require a court order as a condition for providing shelter to children.

153. The DGPM has established 27 requirements for the accreditation of shelters of the four types mentioned above, including disinfection of the premises; a title deed or rental contract; a certificate of good conduct for the director or owner; certification of an absence of criminal record; a laboratory analysis and medical certificate stating that the owner or director does not suffer from any infectious or contagious disease; and the rules for the operation of the shelter. These certifications must also be provided for staff members who work directly with children. The shelters must employ a paediatrician and a child development specialist and meet stringent infrastructure standards, which include an infirmary, play rooms and isolation facilities for children with contagious diseases and an appropriate staff of nurses and child minders.

154. Supervision is handled in the following way: the DGPM, together with child welfare inspectors, a legal adviser (in some cases) and a representative of the office of the director of the shelter, carries out a detailed inspection of the entire building and examines the paediatrician's records and the children's personal files. Each child is examined and the health conditions and cleanliness of the establishment, its medical and food stores and the appearance and health of its staff are evaluated; the staff and directors of such shelters must undergo psychological testing three times a year. All this information is recorded and penalties for violations may include a warning, temporary closure or withdrawal of accreditation. These penalties have been imposed in several cases, some of which have been brought before the courts.

155. In such cases, the DGPM and the appropriate courts order the establishment to be reinspected and placed under supervision.

32. Please provide brief details of the measures identified to improve child health care as part of the Pan-American Health Organization (PAHO) programme of support for the health sector in order to identify measures to consolidate the eradication of the polio virus, eliminate measles and neonatal tetanus and improve mother and child health (1991-1994) and of any other programmes that have been carried out.

156. Women of childbearing age and minors aged under 19 account for a large percentage - 63.5 per cent - of the population and, as a group, are particularly vulnerable owing to the biological and social limitations associated with growth, development and the human reproductive process.

157. In order to protect the health of this group, lower its mortality rate, strengthen the family group and improve the living conditions of its members, there is a need for a comprehensive, integrated programme which takes into account their physical, social and biological environment from a multi-disciplinary perspective and for the active participation of various sectors of society, the family and individuals in the dissemination and use of appropriate technology and the development of services capable of meeting their needs.

Maternal and child health policy

158. The Government's commitment to the process of democratization and national unity allows it to focus the efforts of public and private agencies and to mobilize society in order to address the problems of women, children and adolescents, to whom it plans to give special priority through a programme for social change.

159. The Government has made maternal and child health one of its priorities and is politically committed to developing strategies and supporting specific programmes for the health and well-being of mothers, children and adolescents.

160. The Immediate Action Health Plan (1989) focuses on various aspects of pregnancy, childbirth, the post-partum period, child health and development of a better technical support system for the care of mothers and children.

161. The Ministry plans to implement a policy of developing integrated services and programmes to improve the health and well-being of Paraguayan mothers, children and adolescents. It intends to improve biological, psychological and social conditions for their growth, development and reproductive process through activities aimed at promoting health, preventing illness and encouraging recovery and rehabilitation in order to improve family health and community quality of life.

162. In order to achieve this objective, women of reproductive age, pregnant women, mothers, children and adolescents up to the age of 19 will be given better access to integrated programmes provided by the health services; they will be provided with extended coverage at all levels and will receive a higher quality of health care through the meeting of standards, the availability of technical procedures, more focused programmes and better and more efficient use of resources.

The maternal and child health policy emphasizes the following objectives:

General objective

163. To promote and protect the health, and reduce the mortality rate, of mothers and children by preventing threats to the health of women during pregnancy, childbirth, the post-partum period and the intervals between pregnancies, and that of children during the intrauterine period, birth and the various stages of growth and development, including adolescence.

Specific goals and emphases

To lower the maternal morbidity and mortality rates.

To lower the child, neonatal and post-neonatal mortality rates.

To lower the mortality rate of children between the ages of 1 and 4 (pre-school age) and 5 and 14 (school age).

To lower the adolescent morbidity and mortality rates.

ELEMENTS OF THE PROGRAMME

Women's health

Comprehensive reproductive health with an emphasis on high-risk situations;

Pre-pregnancy health: prevention of cancer in women;

Prenatal health with an emphasis on high-risk situations;

Childbirth and post-partum care;

Comprehensive post-partum care with an emphasis on high-risk situations;

Education of untrained midwives in the elimination of risk during pregnancy, childbirth and the post-partum period;

Development of a computerized perinatal information system.

Children's health

Care of new-borns (0-28 days) with an emphasis on high-risk situations;

Promotion of breastfeeding and child nutrition;

Monitoring of children's growth, development and maturity from birth to 14 years of age;

Prevention and control of common childhood diseases;

Control of diarrhoeal diseases;

Control of acute respiratory infections.

Adolescents' health

Prevention of early pregnancy in adolescents;

Education in and prevention of sexually transmitted diseases (STDs), with an emphasis on acquired immunodeficiency syndrome (AIDS).

Nutrition

National programme for the prevention of parasitic and dietary anaemia;

National programme for the control and prevention of dietary deficiencies in children;

National programme for food protection.

Mental health

Crisis care programme;

Programme to extend mental health care to the interior of the country;

Mental health policy programme;

Community mental health programme;

Programme for the promotion of mental health.

Computerized Perinatal Information System (SIP)

164. Since reduction of the maternal and perinatal mortality rate is a priority for Paraguay's public health system, the Computerized Perinatal Information System (SIP) is an invaluable source capable of generating, producing and disseminating useful information for decision making on technical and policy matters aimed at improving the quality of care and avoiding easily preventable maternal and perinatal death and creating a model for care allowing early detection, rapid referencing and timely treatment of complications affecting the inseparable mother-child unit.

165. The information obtained through the SIP will contribute to programmes for supervision and evaluation at the national, regional and local levels.

166. Its general and specific objectives are:

To serve as a basis for planning mother and child care programmes;

To standardize and unify data compilation;

To obtain reliable local statistics;

To encourage compliance with regulations;

To facilitate the training of health care teams;

To record data that may be useful for legal purposes;

To facilitate internal auditing;

To identify the population to which care is provided;

To evaluate medical care;

To identify perinatal problems;

To carry out epidemiological research.

167. The SIP is composed of:

A basic perinatal case history;

A perinatal register;

A register of births;

Additional forms for high-risk categories:

Obstetrics;

Neonatal nursing;

Neonatal hospitalization;

A computerized data system;

Support technologies: obstetrical tape measure, neonatal tape measure, stethoscope, gestation chart, dilation measuring device.

168. The following institutions are members of the SIP:

In the capital: Clinical Hospital Maternity Centre, Paraguayan Red Cross, Paraguayan Health Institute, San Pablo Hospital, Workers' District Hospital and Health Centre No. 4.

In the interior: National Hospital, Concepción Regional Hospital, Pedro Juan Caballero Regional Hospital, Villarrica Regional Hospital, Paraguarí Regional Hospital, Coronel Oviedo Regional Hospital, Caacupé Regional Hospital and Ciudad del Este Regional Hospital.

169. Although the project does not include all the country's hospitals, it provides prompt, high-quality coverage of 50 per cent of all registered births.

BREASTFEEDING

170. On the basis of the baby- and mother-friendly hospital initiative, the Directorate-General for Family Health has decided to strengthen its breastfeeding programme through information provided by the National Committee for the Promotion of Breastfeeding (COFOLAM).

171. The structure has the following inter-agency components:

(a) The University Medical School chair of paediatric medicine;

(b) The Ministry of Public Health and Social Welfare Directorate-General for Family Health;

(c) The Asunción Office of Consumer Protection;

(d) The United Nations Children's Fund (UNICEF) breastfeeding consultant.

172. The implementation of these activities includes training, supervision and evaluation programmes for the certification of baby- and mother-friendly hospitals and monitoring to ensure universal breastfeeding in such hospitals.

173. To date, 1,500 health care professionals and 700 community representatives have been trained in breastfeeding, 6 hospitals have been certified and 7 will soon be evaluated for certification.

174. The purpose of the initiative is to reinstate the practice of breastfeeding and to avoid the use of bottle-feeding and canned milk in order to improve child growth and development, prevent illness and avoid problems caused by the ingestion of non-human proteins.

CONSOLIDATION OF THE ERADICATION OF THE POLIO VIRUS (item 1)

175. The 1985-1989 polio campaign, which resulted in high levels of vaccination, succeeded in halting the transmission of the live virus. The country's most recently recorded case was in May 1985.

(a) All reported cases of acute flaccid paralysis are being epidemiologically monitored;

(b) The five criteria for evaluation with a view to the certification of eradication are being met;

(c) All health care services are carrying out a regular vaccination programme in order to achieve effective coverage and prevent new cases from breaking out;

(d) Mass vaccinations are being administered in areas where there are cases of acute flaccid paralysis;

(e) High risk districts (those with 50 per cent vaccination levels) are being identified and oral polio vaccination programmes are being carried out in order to achieve full coverage.

ERADICATION OF MEASLES (item 2)

176. Measles is one of the childhood diseases that can be prevented by vaccination yet continues to be a major cause of sickness and death among minors aged under 15 in Paraguay. It attacks humans only, leaving permanent immunity, and there is a highly effective vaccine (95 per cent); it can

be controlled, even eradicated from the planet. There is thus ample justification for launching a concerted measles eradication campaign with the Cono Sur and other Latin American countries that are already working on this with some success.

Objective

Eradicate measles from Paraguay within five years.

Strategies

(a) Uniform, sustained, over 95 per cent vaccination coverage of minors aged under 15 by means of a regular programme;

(b) A national vaccination campaign for minors aged under 15, to be completed within a month;

(c) Follow-up and consolidation with a stepped-up regular programme of measles vaccination for children aged under 5 and groups identified as being at risk;

(d) Heightened epidemiological surveillance of sudden attacks of fever;

(e) Equipment of laboratories to provide serological confirmation of cases of measles and to improve diagnosis;

(f) Information campaign aimed at the general public;

(g) Imposition of containment measures around suspected cases.

Action taken

(a) A regular measles vaccination programme has been conducted at all medical centres, based on a scheme drawn up in accordance with the standards for the Expanded Programme on Immunization (EPI).

(b) A national anti-measles campaign for minors aged under 15 was launched and completed in October 1996.

(c) Epidemiological surveillance for measles has been stepped up, with prompt notification of all sudden attacks of fever (suspicious cases).

(d) Technical administrative adjustments were made for the laboratory analysis of samples sent in for confirmation of the disease.

(e) Preventive vaccination before outbreaks occur.

(f) Sweeps through neighbourhoods at risk (under 50 per cent coverage).

(g) Workshops on measles epidemiological surveillance at the health region level, for all the staff of each area concerned.

WOMEN'S HEALTH DEPARTMENT (item 3)

177. Through medical and educational activities to improve mother and child health and family welfare, the family protection programme set up under the Ministry of Health as a public health programme plays a very important role in the maintenance, upkeep and restoration of health.

178. In 1996, UNICEF will support a project entitled "Mother Kangaroo", which consists in replacing costly incubators for low birth-weight children with direct, skin-to-skin contact with the mother and her breasts in order to provide the child with constant nourishment. Paraguay forecasts cooperation worth ₲813,400,000 this year.

33. Please provide information on the family planning measures taken as well as the occurrence and treatment of human immunodeficiency virus (HIV) among children and parents and measures taken to prevent acquired immune deficiency syndrome (AIDS)

179. The care available for mothers who wish to space their pregnancies for the sake of their and their children's health consists in advice and responsible service. This entails extensive efforts to prevent unwanted and high-risk pregnancies, which are the primary causes of maternal and infant morbidity and mortality in Paraguay. These efforts, accompanied by a suitable educational campaign, are a mainstay of the drive to stamp out unsafe abortions.

180. Since the programme was launched, family planning services have been introduced in the various health regions of the country, preceded by training for the health-care teams. To date, reproductive risk advisory services have been set up in 152 health centres and 328 health-care posts.

181. The options available are indicated at these services and provided free of charge after a medical examination, PAP smear test and breast examination, each couple being given respect and freedom of choice.

182. This does not mean limiting families to a certain size, but choosing when to increase them in the light of each couple's circumstances: health means savings, etc., without leaving the important biological phenomenon of reproduction to the irrational urges of sexual instinct, so that every child is a wanted child, born to a couple that has decided to have it responsibly, and enjoys the security of loving care so that it can grow and develop in accordance with human dignity.

183. Through responsible parenthood and its family planning component, it is hoped that the quality of human life will be improved to encourage physical and mental attributes conducive to the good of the family and society.

184. Family planning is not used for demographic purposes or in response to specific economic or social policy, for the aim is not to slow population growth.

185. It is important to clarify two concepts that are often confused: family planning and birth control.

186. Birth control is a deliberate decision by the Government to reduce a country's population growth rate: it is a population policy that operates at the social level within a community. It constitutes State interference in people's private lives and in the decisions that couples reach. It tends to require constraints inconsistent with the concept of human dignity on which our western civilization rests.

187. As a component of mother and child health and the expression of a basic human right, family planning should be accessible to all, whatever their socio-economic status, and all should be afforded equal opportunities under the theme of social justice and health for all.

188. Every properly informed and educated couple has a basic right to decide freely, responsibly and knowingly what children they wish to have and at what intervals. It is the responsibility of doctors and the health services to inform them of the desirable and undesirable aspects of pregnancies under particular circumstances so that they can take the right decisions in full knowledge of what they are doing.

189. Family planning implies informational activities concerned basically with health and well-being and services offered by authorized, technically competent personnel, whether in the public or the private sector.

Methods advocated

(a) Hormonal contraceptive pills;

(b) Intrauterine devices (T Cv 38° A);

(c) Condoms;

(d) Vaginal spermicidal capsules;

(e) Injectable progestogens;

(f) Natural methods;

(g) The Pill.

190. AIDS prevention and control in Paraguay is handled by the Ministry of Public Health and Social Welfare under the National AIDS Programme, which has regulatory, but no enforcement powers.

191. There are at present 423 individuals in Paraguay in the initial stages of HIV infection - asymptomatic carriers, in other words - and 189 in the last, symptomatic stage. These are the official figures as of 31 October 1995.

192. Eighty-five per cent of the HIV-infected individuals are aged between 14 and 39 and the commonest means of HIV transmission is sexual contact (70 per cent). One per cent of those infected are paediatric cases and 70 per cent are male.

193. Outpatient treatment of HIV/AIDS patients is provided by the comprehensive care component of the National AIDS Programme; treatment in hospital for both adults and children is provided by the Central Laboratory and Institute of Tropical Medicine (LACIMET), to which cases are referred from all over the country.

194. The treatment for AIDS patients, both adults and children, is specifically concerned with opportunistic secondary infections and preventing viral replication (anti-retroviral therapy).

195. The National AIDS Programme has four main components: education and social communication; epidemiological surveillance; comprehensive care; and the laboratory and blood bank network.

196. Each Programme component or area of activity has specific tasks to perform in accordance with the national strategy for HIV/AIDS prevention and control, the main aims of which are to:

(a) Reduce the risk of infection with HIV and other sexually transmitted diseases (STDs) through a public information programme inducing people to give up patterns of behaviour that might lead to HIV infection;

(b) Ensure that checks are performed on the quality of blood and blood derivatives in order to reduce the risk of HIV transmission;

(c) Enable HIV infection to be diagnosed by establishing HIV/AIDS laboratories throughout the country;

(d) Bolster the epidemiological surveillance system for HIV/AIDS infection nationwide;

(e) Reduce the impact of AIDS infection at the group, individual and community levels.

34. Please indicate the progress achieved in the development of a food and nutrition monitoring system (para. 119, part (i), of the report)

Improved nutrition

197. National programme of iron-deficiency anaemia control and prevention:

(a) Establishment of the national iron-deficiency anaemia control and prevention programme approved by SG resolution No. 380.

(b) Annual nationwide parasite-control campaigns for schoolchildren: 500,000 schoolchildren yearly.

(c) Training in nutrition and iron-deficiency prevention targeted at educational workers in the 18 regions of the country.

(d) Iron enrichment of wheat flour: design of a project to enrich wheat flour. Preliminary draft of a decree promulgating the project, for consideration by the Planning Directorate.

(e) Arrangements have been made for the wheat flour distributed by the National Food Programme on behalf of the Food Aid to Rural Settlements Project to be iron-enriched at the national level.

198. National programme for iodine-deficiency disorder control and prevention:

(a) Publicizing the problems caused by iodine deficiency and the benefits of eating iodized salt: campaigns in the 18 health regions.

(b) Salt iodization monitoring system: sampling and analysis of samples taken at retail outlets in the health regions. Samples analysed at the LACIMET Salt Laboratory; training in marketing techniques for industrial packagers and vendors of iodized salt.

(c) Surveillance of iodine-deficiency disorders: based on regional surveys of goitre prevalence and iodide dosage in schoolchildren. There is a LACIMET laboratory to determine the latter.

199. National Food Control and Safety Programme: Food Register:

(a) The Nutrition Department, under the Ministry of Health and Social Welfare is responsible for maintaining the Register of Food and Food Products;

(b) The Register is valid throughout the country and is the only such register valid for MERCOSUR;

(c) Since early 1995, work has been in progress on a labelling system for food and food products based on MERCOSUR standards and SG resolution No. 327 of 7 August 1995;

(d) Some 950 kinds of food and food products were registered in 1995;

(e) Meetings have been held with the Paraguayan Chamber of Food Enterprises and the Union of Food Importers on current labelling standards.

Standardization: Paraguayan standards

Participation in the National Technology and Standardization Institute's Paraguayan Standards Committee (yerba mate, milk products).

Meetings of the National Food Safety Committee

(a) The Department of Nutrition coordinates the work of the National Food Safety Committee (CONPRA).

(b) The Committee has signed an agreement with the Municipality of Lambare for the coordination and conduct of efforts to monitor and ensure food safety in Lambare; agreements with the municipalities of Fernando de la Mora, Luque and Mariano Roque Alonso are being readied for signature.

(c) Participation in the Tariff Module Group of the SOFIA computer system (MERCOSUR, Nomenclature and Common External Tariffs).

Surveillance of food-borne diseases

The Department of Nutrition is a member of the surveillance team for food-borne diseases, together with the General Directorate of Epidemiology and the LACIMET Food Monitoring Laboratory. Cases of food-borne diseases are under study.

200. Food Assistance Programme:

(a) Coordination with the Food and Nutrition Education Programme (PAEN) and 10 health regions (San Pedro, Cordilleras, Guaira, Caaguazú, Caazapá, Misiones, Paraguarí, Alto Paraná, Neembucú and Canindeyú) to distribute 35,000 monthly food rations (milk) to children in want in those regions and 25,000 monthly rations (milk and salt) to pregnant women.

(b) Participation by the Inter-Agency Committee that drafted the bill establishing the supplementary food fund.

201. National Food and Nutrition Programme

As recommended by the World Food Conference, a National Food and Nutrition Committee has been set up to draft a national food and nutrition plan. The plan, which has been approved in a nationwide referendum, sets out priorities and lines of responsibility for taking action.

202. Nutritional education

(a) Production and printing of a Food and Nutrition Guide.

(b) A guide to the feeding of children aged under six, preparation being coordinated by WHO/PAHO.

(c) Paraguay will receive ₲284,200,000 in cooperation with UNICEF in 1996.

35. Please provide further information on the efforts being made to allow children from poor families, particularly in rural areas, to continue their education.

203. Education in Paraguay has advanced by leaps and bounds during the three years the present Government has been in office. Increased enrolment in both primary and secondary schooling has been accompanied by a gradual increase in the quality of teaching at both levels. There remains much to be done, however, here and in the administrative modernization of the Ministry of Education and Worship, where virtually no progress has been made.

204. To improve access to education, the educational reforms call for nine free, compulsory grades of basic education and the enrolment age for the first grade has been reduced to six years.

205. In a legislative document entitled "Desafio Educativo" ("The Educational Challenge") dating from 1996, the Ministry of Education and Worship set forth specific strategies such as "basic general education for all", which will seek to increase access to pre-school training in the poorest parts of the country as a matter of social policy, conduct public information campaigns with an emphasis on rural areas to encourage early stimulation in the home, the timely enrolment of children in school and keeping children in the primary education system, while launching programmes tailored to areas of low achievement and scarce resources.

206. To cope with increasing demand, the Ministry plans to build a total of 1,237 classrooms. Six entire schools will be built with workshops for use in rural settlements.

207. A well-known technique being applied is to draw up an education map of the country (see annex), taking account of the density and age of the school-age population, communications facilities, health and electricity infrastructure and the teaching, managerial and administrative staff of every educational establishment.

208. This planning tool will guarantee the optimum use of human, material and financial resources in pursuit of the objective of a full six hours of schooling for all children aged between 6 and 14. It should be complete by the year 2005 (source, annexed: "El Desafio Educativo" ("The Educational Challenge"), 1996; two copies of the education map).

36. With reference to information contained in paragraph 76 of the report, please provide details of any measures taken to implement the proposals on educational reform emanating from the meetings of the advisory commission on educational reform (para. 76 of the report) and the Ministry of Education and Worship (para. 128 of the report)

209. The education field gave rise to the first equal opportunity programme for women in education, which will chiefly benefit girls owing to its impact on the current educational reforms. The programme has been established in the curriculum department at the Ministry of Education and Worship, where work is in progress on teacher training, curricula, texts, materials and promoting public awareness of equality in education.

210. The educational field also has a hand in the proposals for the new Education Act, which includes a gender component that will benefit girls.

211. A handbook on gender for the primary and secondary levels has been produced with cooperation from Canada: this will be put into use next year by the Ministry of Education and Worship and other governmental and non-governmental institutions.

212. The educational field also has plans for the coming year, giving priority to girls, especially those with meagre resources. International cooperation bodies and parliaments have been contacted and invited to put forward draft legislation that will offer girls from the street health care, education and other services of particular relevance to their human and social development.

213. The Ministry of Education and Worship has established the Strategic Educational Reform Plan, Paraguay 2020, which affords an overall view and coherent, prioritized guidance on the entire educational reform effort. The Plan lays out the broad priorities for reform and the related action to be taken.

214. Paraguay 2020 puts forward two priority areas for increasing the competitiveness of the workforce - basic school education and basic general education for all. Within this material, the Committee will find the priorities for reform efforts over the coming years, the action to be taken accordingly and details of action for the implementation of the strategy over the next three years (see annex: Strategic Educational Reform Plan, Paraguay 2020).

215. Educational reform for Paraguay means escape from an authoritarian society into a more democratic one. Above all, however, it means far-reaching changes in the class-repeat, school drop-out and efficiency ratings of the education system. In this sense, the reforms are part of a set of changes that are more political than technical or academic in nature.

216. Within this framework of reform, a number of projects are under way, including:

(a) A drive to improve the quality of education, with support from the International Development Bank, aiming at the first and second cycles of basic school education.

(b) A similar scheme supported financially by the World Bank, aiming at the third cycle of basic schooling.

217. Various programmes relate to bilingual education, teacher training, evaluation and follow-up.

218. There are also plans and projects, some now in progress, some still at the planning stage, concerned, for example, with easing the transition from pre-school to primary education; the development of pre-school facilities; and efficient alternatives to rural education, especially mixed-age classes (source: "Cumpliendo la Promesa. Hace la Meta del Plan Nacional de Acción por la Infancia" ("Fulfilling the promise. Meeting the target of the National Plan of Action for Children")).

37. Please provide information on the measures taken to address the low rate of achievement in primary education, as recognized in paragraph 127 of the report.

219. The targets for 1989-1995 under the National Plan of Action for Children were evaluated in August 1996 in the light of the commitment made by Paraguay at the World Summit for Children.

220. The areas evaluated were health, nutrition, water and sanitation, and education.

221. Analysing the problem of poor achievement in primary schools shows it to be one of the greatest challenges in Paraguayan education.

222. The pupil-retention pyramid for the education system at the primary level in 1988-1993 shows the proportion of pupils re-enrolling from year to year from entry into the first grade - the base figure - to the end of the sixth grade.

PUPIL RETENTION IN PRIMARY SCHOOL
1988-1993

Grade	Percentage	Pupils
6	54	59 302
5	62	71 347
4	71	86 734
3	79	102 015
2	89	115 300
1	100	134 421

Source: Ministry of Education and Worship, Directorate of Education Planning.

223. The pyramid shows that a large proportion of children entering the education system do not move up to the higher grades (for a better illustration, see annex, Ministry of Education and Worship, 1994 and 1995 Statistical Yearbook).

224. Steps to combat the low achievement rate are better illustrated by the Strategic Plan for Educational Reform, where one of the six columns listing activities to improve the quality of primary education reads:

(a) A programme of preferential attention for schools at high educational risk. These are schools with high drop-out rates, a large proportion of unqualified teachers or operating with three teachers or fewer (see annex, Ministry of Education and Worship, Logical Framework for the Strategic Plan, p. 59).

(b) A low-cost pre-school programme focusing on areas at high educational risk (defined as those with high-class repeat rates in the lower grades). It will reach a number of the least well-off children equivalent to 20 per cent of the six-year-old children enrolling in first grade every year (some 200,000 children yearly in 1,000 schools) (see annex, Ministry of Education and Worship, Logical Framework for the Strategic Plan, p. 64).

38. Please provide further information on the steps taken to incorporate the subject of human rights into the school curricula and to integrate the subject into non-formal education (paras. 46, 52 and 128).

225. We can now provide more information concerning paragraphs 46, 52 and 128 of the initial report, since the 1993 Youth Elections have been held; the contents of the Convention on the Rights of the Child and the electoral system in Paraguay were widely publicized among fourth- to sixth-grade primary and first- to third-level secondary school pupils throughout the Republic.

226. Among its education-related activities, the Ministry of Justice and Labour's Directorate-General for Human Rights has published a paper entitled "Curriculum and Human Rights" with help from the Inter-American Institute of Human Rights in Costa Rica and circulated it to teachers at a number of workshops around the country in order to get human rights incorporated into school curricula. It has also distributed other material, "Enseñanza Practica de los Derechos Humanos" ("Practical teaching of human rights"), which helps teachers to explain to chilren in simple terms their rights under the Convention (see educational report on training activities).

227. According to the Ministry of Education and Worship, human rights are a matter of close study and of particular interest in the curriculum for basic school education.

228. The main aim of the curriculum put forward under the educational reforms is to help endow men and women with the capacity to understand, foster and defend human rights. The strategy being adopted is gradually to incorporate the contents of studies, from pre-school on through the successive grades of basic school education.

229. As human rights are regarded as vital to the all-round development of the individual, they are also included as a basic component of the curriculum designed by the Ministry of Education and Worship.

230. The profiles of each year of instruction can be represented as follows:

Pre-school: practical experience of the principles and values laid down in the rights of the child;

First year: practical experience of the principles and values laid down in the rights of the child;

Second year: practical experience of the principles and values laid down in the rights of the child and human rights;

Third year: practising and disseminating the values and principles laid down in human rights.

General protection measures

39. Please provide information on the implementation of article 22 of the Convention, including the legal and other measures provided for in case of refugee children or asylum seekers.

231. Refugees enjoy international protection. Refugees are foreigners who do not receive consular and diplomatic protection from their place of origin.

232. Paraguay is a party to the 1951 Convention and 1967 Protocol relating to the Status of Refugees, which were ratified by Act No. 136/69, which, in accordance with the Constitution, has become part of domestic law, although no regulations governing the status of refugees in the country have been issued to date. Consequently, in addition to the provisions of article 137 of the Constitution, refugees come within the purview of Act No. 470, the Migrations Act, which considers them to be ordinary foreigners.

233. It is therefore difficult to provide information on the legal measures applicable to refugee children seeking asylum under the 1951 Convention.

234. In any event, that instrument contains no special provisions on the status of refugee children, but simply provides a few general guidelines.

235. For example, reference is made to determining a minor's refugee status, which, according to the Convention, is the responsibility of the State party (in this case Paraguay). There are no procedural rules for this purpose. Following the guidelines in the 1951 Convention, Paraguay makes a distinction between children without sufficient maturity or discernment for determining the extent to which they are justified in fearing having to leave their country of origin, and adolescents, for whom the determination of refugee status is easier.

236. It recommends that a guardian should be appointed to promote a non-emancipated child's (minor's) interests.

237. In the absence of parents or guardian, the authorities will see to it that the interests of a minor seeking refugee status are fully guaranteed.

238. Generally speaking, when minors enter the country accompanied by their parents or a member of the family who is responsible for them, they are recognized as having refugee status, which is extended to minors according to the principle of family unity.

239. Despite Paraguay's situation as referred to earlier, it is obliged under Act No. 136/69 to apply the above-mentioned international instruments if a child seeking to settle in the country has met the conditions for refugee status.

40. Please provide information on the measures taken to prevent the situation of forced enlistment of children into armed forces, as well as to ensure the effective protection of children in the military service.

240. During the dictatorship, children and young people were press-ganged into the armed services and obliged to perform military service before they had reached the appropriate age.

241. The Constitution now sets forth the right to conscientious objection in article 37 and article 129, which establishes compulsory military service with the following exception: "Conscientious objectors shall provide services to benefit the civilian population in aid centres designated by the law and operated under civilian jurisdiction ...".

242. In November 1995, the Senate adopted an act embodying regulations governing conscientious objection, which establishes that "Paraguayans subject to compulsory military service who are conscientious objectors shall be exempt from military service in peacetime and wartime and shall perform an alternative civilian service. Civilian service shall consist of services to benefit the civilian population which are not directly dependent on the military and do not require the use of weapons".

243. It also establishes that any military or police authority who in any way whatsoever denies the effects of a statement of conscientious objection is responsible for an abuse of authority.

244. Nonetheless, the Executive vetoed 12 of the bill's 24 articles, 5 or 6 for drafting reasons. The bill will consequently be submitted to Congress for review at its next session.

245. There is a non-governmental organization called "Movimiento Objeción de Conciencia" (MOC), which offers legal advisory assistance to young people who decide to become conscientious objectors. There are also legal precedents based on cases already brought before the courts.

246. A new bill on conscientious objection, which covers all previous drafts considered by Congress and vetoed by the Executive, was submitted to the House of Representatives by Congressman Juan Carlos Ramirez Montalbeti.

247. One of the bill's objectives is to "initiate a new review of the regulations set forth in article 129 of the Constitution with reference to the performance or non-performance of compulsory military service".

248. It also introduces some innovations, such as emphasis on civilian service, the time period for exercising the right to conscientious objection and the standards of behaviour of the civilian service which is to perform this for service to the country instead of the military.

249. According to Congressman Ramirez, the bill incorporates important aspects criticized by the legislators in the bill vetoed by the Executive, through Decree No. 12,058 of 3 January 1996.

250. Article 4 of the bill states that the police and armed forces authorities responsible for calling up young people in accordance with the various criteria must inform them of their constitutional right to conscientious objection and that the application forms used must state that the conscript was informed of the existence of the above-mentioned constitutional right before signing up.

251. The time period for exercising the right to conscientious objection begins when the young person is called to enlist and ends when he is to be inducted.

252. The bill stipulates that alternative civilian service must not exceed 12 months in peacetime and is to be conducted in the following sectors:

(a) Civilian protection;

(b) Social, educational or health services;

(c) Environmental conservation, improvement of rural services and protection of natural resources;

(d) Community services;

(e) All other activities, services and similar projects of general interest aimed at improving the quality of life (source: Noticias, 20 August 1996).

253. The Chamber of Deputies recently submitted a bill amending the Constitution to eliminate compulsory military service.

254. The purpose of the bill is to give citizens the choice of whether or not to perform this service. Another goal is to reduce the membership of the armed forces. Both Chambers need to approve the bill, which must also be promulgated by the Executive. A referendum will subsequently be called by the Supreme Electoral Tribunal within a period of six months.

255. The bill repeals article 129, paragraphs 2, 3 and 4, of the Constitution.

256. The proposed drafting is as follows: "Every Paraguayan must stand ready to take part in the armed defence of the country".

257. Conscientious objectors will provide services to benefit the civilian population in aid centres designated by law and operated under civilian jurisdiction.

258. The laws implementing the right to conscientious objection will be neither punitive nor impose burdens heavier than those imposed by military service.

259. Personal military service which is not determined by law or is set up for the benefit or profit of private citizens or organizations is hereby prohibited.

260. The law will regulate the contribution of foreigners to national defence.

261. Other proposals were submitted as a result of this bill, such as that of Congressman Bernardino Cano Radil, who expressed disagreement with the proposal to eliminate compulsory service abruptly and replace it with an optional service. He said that he would agree with compulsory military service being conducted through a selection mechanism (by lots) to control the number of people to be called up each year, but that the proposal to eliminate compulsory military service automatically implied replacing it with a professional army, which would require structural changes and costs that should be borne in mind.

41. Please provide information on any further measures being taken to ensure for juveniles the prohibition of unlawful or arbitrary deprivation of liberty and the use of arrest, detention or imprisonment as a measure of last resort and for the shortest period of time.

262. Article 294 of the Juvenile Code, Act No. 903/81, reads: "Pre-trial detention shall not be ordered for minors under 14 years of age, who will be kept in the custody of their parents ..., except where the parents would be in psychological or physical danger. In such cases, the judge may order internment in an establishment for the care of juveniles ...".

263. The Supreme Court of Justice has issued a judgement stating that no child or young person may be institutionalized without a court order.

264. Children and young persons do nevertheless spend more time in pre-trial detention than they should, owing to their counsels' slowness in obtaining their release or to the fact that they are abandoned altogether.

265. Once the correctional court has established that an offence has been committed, the socio-educational measures provided for in the draft Code are the following:

(a) Warning;

(b) Reparation of the damage, through restitution of the object or reimbursement of its value;

(c) Community service;

(d) Probation;

(e) Placement in the semi-custodial system;

(f) Re-education in an educational establishment;

(g) The measures of protection or general measures of care provided for in article 308 of the draft Code.

266. Sections (d) and (e) are alternatives to detaining or imprisoning a young person, but, in fact, probation, called supervised release in the current Juvenile Code, does not operate effectively; the draft Code introduces the system of probation that is granted under the responsibility of the parents, guardians or representatives whenever necessary to provide assistance, aid or guidance to a juvenile offender. The judge will appoint a suitable person for this purpose (draft Code, art. 317).

267. The persons responsible for follow-up will report fortnightly on the behaviour of the offender and his family and it will be used by the judge as a basis for revoking or extending the measure.

268. The duration of probation will vary according to the recommendation of the technical or disciplinary team in each case, but in any event will not exceed five years (draft Code, art. 318).

269. In accordance with article 317, paragraph 5, placement in the semi-custodial system "may be ordered by the correctional judge at the beginning of implementation of the measure or as a transition period between internment and release" (draft Code, art. 326).

270. This measure may be ordered for a maximum period of no more than two years (draft Code, art. 327).

271. Placement in re-education establishments is a measure of deprivation of liberty subject to the following principles: it must be brief, exceptional and respect the offender as a person (draft Code, art. 328).

272. "Internment shall not be ordered when other more appropriate measures exist. Young persons with no criminal record shall not be subject to this measure" (draft Code, art. 333).

42. Please provide further information on the system in place for monitoring conditions in those institutions where young law offenders are being held in custody (para. 145) and for considering the periodic review of the treatment provided to the child and other circumstances relevant to the placement of the child (art. 25 of the Convention).

273. Article 322 (f) of the Juvenile Code in force states that one of the functions of the Directorate-General for the Protection of Juveniles is that of supervising child welfare institutions. Although no criteria exist for systematically monitoring conditions in institutions for juvenile offenders or establishing rehabilitative treatment, an attempt was made to do so by establishing the Instituto del Mañana, a non-profit home for juvenile offenders under the age of criminal responsibility, i.e. from age 7 to 13 years and 364 days, throughout the Republic. It is a programme of the Las Residentas Foundation and is under the supervision of the Directorate-General for the Protection of Juveniles.

274. The Institute's main purpose is the complete rehabilitation of minors in an irregular situation, whether because they are at risk socially, have been abandoned or are likely to commit an offence.

275. The following rehabilitation services are available for minors: psychological, social work, medical-dental, catechism, vocational training, primary and secondary education - basic cycle (for those who have completed the primary cycle) and music education.

276. The Institute conducts rehabilitation programmes under the close supervision of the Juvenile Correctional and Guardianship Courts and the Directorate-General for the Protection of Juveniles.

277. The Juvenile Code establishes a two-year internment period for achieving the full rehabilitation of minors in conflict with the law. During this period, an attempt is made to help the children catch up on their primary studies or begin them if they have not already done so. At the same time, they are given classes by the National Vocational Promotion Service, a branch of the Ministry of Justice and Labour, in the hope that they will develop self-confidence by finding a job to help them overcome their earlier difficulties and enable them to lead a worthy and useful life for themselves and for society after they are released.

278. Assistance programmes provide for a one-year post-institutional follow-up for the children after they leave the Institute for the continued assessment of their behaviour, that is, to see whether they continue their studies, do not have a relapse, have difficulty getting along with their relatives or readjusting to living with their families and whether they are still working at the jobs they began. There have been 86 graduates of the programme to date, with a recidivism rate of only 9 per cent. The Institute opened its doors on 11 October 1990 and receives minors under the age of criminal responsibility, as covered by articles 221 and 222 of the Juvenile Code (see annex, Instituto del Mañana).

279. In the interest of providing comprehensive information, the various public and private institutes accommodating child and juvenile offenders are described briefly below:

(a) Instituto del Mañana. Programme of the "Las Residentas" Foundation, registered with the Directorate-General for the Protection of Juveniles under decision No. 14 of 12 March 1992, as an institution specializing in the care of minors with behavioural difficulties. The Institute's primary goal is the rehabilitation of minors from 7 to 14 years of age in irregular situations or in conflict with the law (see annex, Instituto del Mañana).

(b) The Panchito López Re-Education Institute, established by Decree No. 5877 of 7 April 1938, is a closed establishment for juvenile offenders from 15 to 19 years of age. It is currently located in the capital and is a branch of the Directorate-General of Penal Institutions, under its direct authority, in accordance with Decree No. 18165/93. It empowers the Directorate-General for the Protection of Juveniles to exercise supervision and control over juvenile inmates by coordinating its activities with the Directorate-General of Penal Institutions.

The Institute lacks an appropriate infrastructure, since the 9,500 m^2 building in which it is currently housed was lent to it by the Specialized Association of the National Police and financed by the Ministry of Justice and Labour.

Admittedly, the Institute does not meet the conditions set forth in the Convention for juvenile care centres. The Ministry of Justice and Labour is aware of this situation, however, and is planning to conduct a project on the administration of justice, jointly with the judiciary and with support from the IDB.

Considering that the inmates need to have access to proper dental care, the Directorate-General for the Protection of Juveniles has provided dental equipment, as well as a cooker and two gas cylinders.

(c) The Esperanza Foundation, a private, legally incorporated non-profit body, is currently about to build an Institute for the Re-education of Minors in the city of Itá, with support from the Department of Charity and Social Welfare (DIBEN), a governmental body, which donated G500 million to the Ministry of Justice and Labour to speed up the completion of the new Institute (see annex, Fundación Esperanza).

280. The goal of the new Institute will be to develop a system of re-education with individualized care to prepare the inmates for reintegration into society, using appropriate teaching methods and occupational therapy as part of activities commonly found in rural and urban environments.

281. The private, semi-custodial institutions for male adolescents are Don Bosco Roga, San Vicente de Paul and El Abrigo.

282. The institutions for adolescent girls are specialized police station for women No. 12, the Rosa Virginia Home and the María Eufracia Home.

283. Administrative monitoring, inspection and supervision of the conditions in all the centres mentioned above are under the responsibility of the Directorate-General for the Protection of Juveniles, whose inspectors visit the institutes to verify the physical and mental health of the inmates and the treatment they received, which they then describe in a report, in addition to receiving a monthly report on the status of the inmate population, the status of legal proceedings and all other circumstances connected with internment (see annex; monthly report on minors subject to legal proceedings - month of July).

284. Judicial control is conducted on a quarterly basis, without prejudice to proceedings being conducted in the centres for a more rapid and effective solution in cases so requiring.

43. Please provide further information on the reasons for depriving children of their liberty (para. 145 of the report).

285. All minors currently institutionalized in the Panchito López Re-education Institute, the detention centres for male and female juvenile offenders and the Instituto del Mañana for minors under the age of criminal

responsibility enter with an order issued by the Juvenile Correctional and Guardianship Courts throughout the Republic. The internment measure is based on article 232 (d) of the Juvenile Code. The Supreme Court of Justice has also issued a decree to the effect that no minor is to be received by the correctional establishments without judicial authorization to that effect.

286. Chapter III of the Paraguayan Penal Code stipulates that children under the age of 10 are exempt from criminal responsibility. It also states that children over 10 but under 15 years of age who commit an offence carrying a penalty of no more than one year's imprisonment will undergo punishment only in their homes on their parents' or guardians' recognizance. In cases of recidivism or repeat offences, consideration will be given to the act committed. The Code stipulates that offences committed out of carelessness and those committed by children under the age of 14 will not carry any penalties whatsoever.

287. The draft Code has done away with the concept of lack of legal responsibility since it has prejudicial connotations and is primarily criminal and not correctional in nature. Paraguayan judicial practice applies this concept as a parameter or criterion for determining the jurisdiction and competence of the court that will be conducting the investigation and the way in which the law will subsequently be applied to the accused person. This is an erroneous and invalid approach to legal matters involving children, since the children's court is a specialized court that does not define its competence according to the extent or lack of legal responsibility. The only age of reference is 18 years, at which full civil capacity is achieved; until such time, children and adolescents, whether or not they have legal responsibility, should be subject to the juvenile court system, which is more appropriate for the particular group covered by this Code (explanatory statement to the draft Code).

288. According to information provided by the Director of the Casa del Buen Pastor (Home of the Good Shepherd), a branch of the Ministry of Justice and Labour, the Rosa Virginia Home was handed over to the Sisters of the Good Shepherd in August 1991 and authorized to provide care for female minors in need of discipline, thus separating this sector from the criminal sector, i.e. from girls admitted for committing an offence.

289. The prison is divided into the following sections: minors (up to 19 years of age), adults (sector I and sector II) and Amanecer for mothers with small children.

290. The offences for which minors enter the prison are based on the classification in the police report, which may change subsequently. For example, if a young woman is imprisoned for wilful abortion, the offence may subsequently be changed to infanticide if the judge in the case so rules (see annex, statistics for the month of November on the current prison population according to type of offence).

291. Below is a list of grounds for detention recorded by the national police, together with a brief definition:

(a) Running away from home: when an adult reports that a minor has run away from her home or her second home, as in the case of a maid or domestic employee.

(b) Theft: stealing of an inexpensive item. Cases have involved thefts of clothing, such as a skirt or a gold chain.

(c) Assault: the minor is accused of assaulting another person.

(d) Prostitution: the minor is detained in a brothel, in a place near a brothel or in a suspicious looking place.

(e) Robbery: when aggression or violence is used to steal an object or money.

(f) Bad behaviour/disobedience: this is when parents, guardians or the heads of juvenile homes turn to the police station to impose discipline, through deprivation of liberty.

(g) Minor in danger: when minors are kept out at times considered to involve risk or in dangerous places, such as bus terminals and the areas near brothels.

(h) State of abandonment: when the minor or an adult reports that a minor has been abandoned and has to fend for herself, without the care of an adult.

292. Although this list includes the most representative offences on the registers of the specialized police station for women, it is not an exclusive one and, owing to the lack of criteria for standardizing the cases in the records of the different police stations, there is a variety of terminology for describing the grounds for detention, offences and misdemeanours committed by young women. Although the specialized police station for women and the Family Department make clear distinctions among possible grounds, these have not filtered through to the judicial system in the areas where the different police stations are located.

293. The table below contains the most frequent and questionable grounds for the detention of young women between 1989 and 1992 in the specialized police station for women. Of the total of 833 cases considered, there were 272 cases of running away from home and 210 cases of theft. Together they make up 58 per cent of the grounds for detention. A total of 165 cases in the "other" category includes several of the other grounds for detention identified previously and a few unidentified ones such as "fraud", for which the number of minors involved was less than 10.

GROUNDS FOR DETENTION

Detentions of minors (1989-1992)

Frequent and questionable cases

Grounds for detention	No. of cases	Percentage of total
Running away from home	272	33
Theft	210	25
Minors in danger	73	9
Personal safety		
Investigation	40	5
Bodily injury	31	4
Measure of protection	28	3
Bad behaviour	21	2
Quarrelling	14	1
Other*	114	17
TOTAL	833	100

* Includes all the other grounds for detention described earlier not amounting to 10 cases and other unspecified cases occurring only once.

Cases involving multiple grounds

Prostitution	40	5
Lack of identity papers	28	3

Includes cases involving multiple grounds for detention or secondary grounds such as "lack of identity papers" or "minor in danger".

Analysis of and figures on the two main reasons for the detention of female children and adolescents

294. Theft: a total of 210 minors aged between 9 and 17 were detained for this reason between 1989 and 1992. Breakdown of abused minors: 113 female domestic servants aged between 13 and 17 (average age); 76 girls abused by members of their families, neighbours, companions or persons unknown; 13 female hawkers aged between 9 and 17, who earn their living by selling food or other wares in the street; and 8 cases related to prostitution and sexual abuse among minors aged between 13 and 16.

295. Detention for theft is an example of lack of respect for the Constitution and judicial proceedings involving minors which lends itself to serious breaches of the right to protection against deprivation of liberty. In at least four cases, charges of theft were accompanied by implicit charges of prostitution by minors aged 15 and 16; in other cases, such charges were associated with sexual abuse of minors aged between 13 and 15. A report by an adult of theft is enough to have a minor detained indefinitely, owing to the shortcomings in the follow-up procedure and the trial system.

296. Homelessness: In 272 cases, the reason for detention was "running away from home", which accounted for 33 per cent of the total of 833 detentions considered. Among a subgroup of 203 cases where the minors' reasons for running away were recorded, ill-treatment was identified as the cause in 111 cases, 55 per cent of the total (see fig. 1). The ill-treatment reported by the minors included physical ill-treatment, sexual abuse and emotional abuse, which included constant attacks on their self-esteem and the denial of love or affection.

297. Mothers were blamed for most of the physical ill-treatment and emotional abuse of minors (see fig. 2). Considering that their mothers, either alone or with multiple partners, are the constant figures in the lives of most of these minors, this finding is not surprising, especially as child abuse is part of a vicious circle of abusive mother or father figures that recur from one generation to the next.

298. Although fathers and stepfathers are blamed for most of the sexual abuse, stepfathers are most commonly blamed for ill-treatment of all kinds. Among children detained for running away from home, having a stepfather thus appears to be closely linked to various kinds of ill-treatment (see fig. 3).

299. Regulatory progress. Chapter VI of the draft Code on "internment in a re-education establishment" provides for internment in the case of:

(a) A criminal act defined in the Penal Code and attracting a penalty of over four years;

(b) Persistent commission of other general offences; and

(c) Unwarranted, repeated failure to comply with a previously imposed socio-educative measure (draft Code, art. 329).

44. Please provide information on the safeguards provided for children deprived of their liberty including, in the light of article 37 (c) and (d), the consideration given to the needs of persons of their age; the possibility of prompt access to legal and other assistance and of challenging the legality of the deprivation of liberty before a court or other competent, independent and impartial authority.

300. The principal aim of the Instituto del Mañana, a part of the rehabilitation programme, is to respect the dignity inherent in each human being, particularly the children and adolescents who enter it for whatever reason. Its regime of therapeutic togetherness covers accommodation, food,

clothing, psychosocial development support services, instruction in morality and Christianity, and specific educational programmes such as a complete grade school and training in skills to help inmates make a satisfactory return to life in society and their families.

301. During their internment, children can obtain weekend passes to join their families, provided that they meet the requirements of the Institute's behavioural incentive system, the aim being not to lose family ties. There are therapeutic family reunions every first Sunday of the month to bring families closer together and help the children so that their return to their families can be as painless as possible.

302. Minors in the "Big Test" programme, working as apprentices in the community, are also followed up on the job so as to help them return to life in society and their families. Those leaving the Institute are placed in stable employment and given post-institutional follow-up for a year.

303. The formal education given to the minors comprises grade school; the basic cycle in the Colegio Virgen del Rosario; horticulture and dairy farming; bee, bird, rabbit and fish raising; electricity; plumbing and tin-smithing; shoemaking; carpentry; iron working and the manufacture of wire netting; sheeting and painting; musical education, choral training and physical education.

304. The minors receive individual and group therapy and help from social workers in seeking family rapprochement and responsibility. They are also given medical, dental and legal assistance.

305. As the aim is to rehabilitate minors entirely, there is also a catechism programme leading to baptism, first communion, renewal and confirmation.

306. All female interns at the Casa del Buen Pastor (Home of the Good Shepherd) are visited by family and friends on set visiting days, except for those being punished for indiscipline, and stay in touch with them and with their lawyers by telephone (with a female warder in attendance) or receive correspondence at the porter's office, which passes it on to them.

307. On entering the detention centre, minors are given prompt legal assistance and social, psychological, medical and psychiatric help by the professionals working there. The also receive spiritual guidance from the Chaplaincy and Sisters of the Good Shepherd, such as instructive talks and handiwork classes, and there is a school for those who wish to attend.

308. The draft Code provides alternatives to internment in re-education centres and lays down safeguards:

1. Internment shall take place in an exclusive public institution for young persons, different and distinct from any used to guard and imprison lawbreakers aged over 18 years;

2. Young persons shall be placed in accordance with their age, sex, psychological and physical makeup, the seriousness of their offence and the interdisciplinary team at the institution.

3. Pedagogical activities and periodic evaluations by the interdisciplinary team shall be compulsory during internment.

4. In no case shall such measures exceed three years of internment.

5. These measures shall not be applied as a form of preventive internment while correctional hearings last, but when a legal sentence of guilty has been passed.

6. The correctional procedure shall provide that:

(a) No child shall be punished or tried for acts which at the time when they were committed were not offences under criminal law;

(b) Any legal steps or proceedings taken in the absence of the public prosecutor and lawyer or ombudsman, from the initial inquiries onwards, shall be held irrevocably null and void;

(c) A correctional appeals court shall be established to hear appeals on grounds of justice delayed and appeals denied;

(d) Penalties ranging from fines to disqualification and prison terms [shall be imposed] for breaches of the Code by police officers or judicial employees who interrogate a child in breach of articles 395 or 396, without notifying the ombudsman's office or in the absence of the child's defence counsel; judges who cause children or adolescents to be held in preventive internment for more than 60 days shall also be punished.

309. When the draft Code is promulgated and enters into force, it will guarantee not only the humane, specialized treatment to which children deprived of liberty are entitled, but also legal assistance through the newly established ombudsman's office and the opportunity to challenge proceedings and offer prompt, rapid solutions to the problem of minors in detention.

45. Please provide information on the measures taken to implement article 40, paragraph 1, of the Convention, in particular to ensure that the child is treated in a manner consistent with the promotion of his or her sense of dignity and worth, namely, to ensure that the treatment reinforces the child's respect for the human rights and fundamental freedoms of others and takes into account the child's age and the desirability of promoting the child's reintegration and the child's assuming a constructive role in society.

310. One of the main steps taken in reference to article 40, paragraph 1, of the Convention is to encourage the reintegration of the child so that it can play a constructive role in society. This is the view held at the Instituto del Mañana, where treatment is based on behaviour and the institution is run in a family atmosphere.

311. Children go through various stages, depending on their behaviour and the time they spend at the Institute.

312. There are four stages, lasting together around 24 months. The last is known as the "Big Test" preceding release.

313. After release, comes post-institutional follow-up, to assess minors' conduct in their family situations, in the workplace or during their studies. The follow-up lasts one year.

314. The internment regime is based on the principles of comradeship, love and family discipline, without discrimination on grounds of race, language, religion, political opinion, cultural level or social origins (see annex, material on the Instituto del Mañana, 1995).

315. No further information is available on the activities carried out and the measures adopted in respect of the other centres for juvenile offenders.

316. The draft Code is based on the principle of total care and aims at encouraging respect for the child and, hence, for human rights, making children's physical and moral welfare the norm and work, education, play, food, sport and recreation the means of ensuring their protection and development.

46. Please provide information on the consideration given to the implementation of article 40 of the Convention, in particular its paragraphs 3 and 4, and the way the State party envisages the promotion of the establishment of laws, procedures, authorities and institutions specifically applicable to children involved with the system of juvenile justice, as well as alternative solutions to institutional care.

317. Under the current Juvenile Code, children under 14 years of age are not legally responsible and cannot be tried in ordinary courts. In all cases, they are entrusted to the juvenile courts and subject to the provisions of the Juvenile Code (art. 219).

318. The draft Code does away with the concept of lack of legal responsibility, since it has prejudicial connotations and is primarily criminal and not correctional in nature. This goes further than the Penal Code now under study and the two pieces of legislation will not agree. The matter is to be taken up in the Drafting Committee set up in August 1996 to review and study certain details of the draft Code.

319. There are alternatives to internment under Act 903/81, the Juvenile Code, such as placement in homes, placement in the care of relatives - provided that this will not put the child in physical or moral danger - or probation, which is not often used. All these alternatives are available at the discretion of the Correctional Court.

320. Under the draft Code, however, social and educative measures will be available before and during internment in any rehabilitation centre: a warning; reparation of the damage; community service; probation; placement in the semi-custodial system; and internment in re-education facilities.

321. The various re-education homes offer educational and vocational training programmes with support and technical staff from the National Vocational Advancement Service of the Ministry of Justice and Labour. The skills taught at the Panchito López re-education institute are bricklaying, shoemaking, macramé, weaving, hairdressing and electricity.

322. There is also a formal education system with professional teachers; classes are divided into cycles covering the first to third and fourth to fifth grades.

323. The Instituto del Mañana offers a variety of programmes in which minors can take part according to their aptitudes and interests. These include domestic science, school, horticulture, agriculture, bee-keeping, fish farming, bird breeding, physical education, musical education and a choral group.

324. Minors who have completed primary school attend the Colegio Nacional Virgen del Rosario in Itaguá. Children and juveniles in the third stage (B, 12 months of internment) go outside to work and/or learn a skill not available within the Institute such as car maintenance, metal casting, heavy metalworking, graphic arts, upholstery, radio and television engineering, automobile electrics, refrigeration, or electrical motor rewinding (see annex, Instituto del Mañana, 1995).

325. The State will encourage and smoothe the way for approval of the draft Code. It has displayed notable political will in appointing new judges to the Guardianship and Correctional Courts.

47. Please provide information on the consideration given to the recommendations made, within the framework of technical assistance programmes provided by the United Nations system, and as reflected in the report submitted to the Commission on Human Rights (E/CN.4/1994/78/Add.1, para. 38), to take into consideration the United Nations standards adopted in the field of administration of juvenile justice systems.

326. Regarding paragraph 38 of the report on technical cooperation (reform of the prison system and the administration of justice), the State intends to prepare the ground for a possible project with the Inter-American Development Bank and the Supreme Court of Justice of Paraguay.

327. There is also provision in the National Plan of Action for the Promotion and Protection of Human Rights in Paraguay, coordinated by the Directorate-General for Human Rights, for bringing domestic law into line with the International Covenants on Human Rights already ratified and for legislative reform in respect of juvenile administration. Amendments to the Juvenile Code and the Paraguayan Penal Code have been set in motion.

328. Through the Juvenile Guardianship and Correctional Appeals Court, the Supreme Court of Justice has carried out the following programmes in furtherance of the rights of the child:

(a) By resolution No. 2 dated 12 December 1995, the Juvenile Guardianship and Correctional Appeals Court advised the juvenile courts to follow the Convention on the Rights of the Child for the purpose of giving children an identity and a family setting (arts. 7 and 8 of the Convention on the Rights of the Child).

(b) The Court is planning a joint exhibition and workshop for judges of juvenile courts of first instance on 6, 7 and 8 November 1996 covering subjects relating to the Convention on the Rights of the Child and the Juvenile Code.

329. Pursuant to article 42 of the Convention on the Rights of the Child and with a view to making the principles of the Convention known, illustrations depicting the rights of the child have been published and are displayed in the offices of the juvenile courts and the Juvenile Appeals Court.

48. Please indicate the progress being made to develop any programmes for the implementation of article 39 of the Convention in relation to children in the system of the administration of juvenile justice (paras. 136 and 137 of the report).

330. The objective of establishing the National Centre for the Protection of the Rights of the Child (CENADI) was to improve living conditions for children whose rights have been violated, enabling them to enjoy greater well-being and a decent life.

331. The Centre includes a child abuse prevention and treatment service, which focuses on child abuse, both physical and emotional, sexual abuse and abandonment in all sectors of society.

332. Prevention efforts make use of SOS programmes, giving out a telephone number which children and others can use to report child abuse.

333. Such reports are received by the following CENADI institutions: the National Police (juvenile division), the Ministry of Public Health and Social Welfare's Department of Mental Health, and the Victims Support Department in the Attorney-General's Office.

334. In August 1995, the city of Asunción set up community child centres to uphold and protect children's rights and to protect children from moral harm. This programme grew out of abundant reports and evidence of physical, emotional and sexual abuse, abandonment, neglect and other circumstances contrary to children's rights. It is supported by the Foundation for Children's Rights.

335. The objective is to set up such centres in the five decentralized entities making up Ybon: Jopoi, Oñondivepa, Koeti, Mburucuya and Itá Ybaté.

336. The aim is that each centre should consist of the same number of neighbourhood committees within its catchment area.

337. Neighbours noticing abuse of any child in the community should report the case to the municipal centre, which will alert the Juvenile Ombudsman so that action can be taken.

338. At the suggestion of the current President of the Supreme Court of Justice, Dr. Raúl Sapena Brugada, a scheme will be designed to help abused children meet all their needs.

339. The first step taken by the Court was to adopt the proposal, submitted to it in plenary session, to establish the Office of the Juvenile Ombudsman.

340. That resolution, unprecedented in juvenile justice, will fill a large legal vacuum which has allowed proceedings for child abuse to end with the culprits going unpunished.

341. Agencies and bodies concerned with children's problems will be asked to cooperate in drawing up an aid project for abused children.

342. This initiative by the chief officer of the judiciary will fill a large existing gap in the system of justice and protection of defenceless children.

49. Is the Government considering taking concrete measures to improve the mechanisms for collecting data under the necessary information about children in situations of exploitation (paras. 144 and 146 of the report) and is there a need for technical assistance in this regard?

343. A juvenile section of the special police station for women was established in 1989. Since then, to provide different kinds of treatment for minors detained by the police, all male minors have been sent to the police stations for minors and girls and young women detained at the various police stations have gone to the juvenile section of the police stations for women.

344. In March 1990, the Metropolitan Police Family Department gave permission to gather information on minors in the police stations for women.

345. Between June 1989 and April 1990, the documentation and registry system used by the social workers at the police stations was very informal and inconsistent. For lack of resources, the original records were kept in a diary and there was no consistency in the questions put to the detainees. On occasion, not even the grounds for detention were noted.

346. In April 1990, a form was approved and brought into use in conjunction with the social workers to systematize the registration process and provide better information, both qualitatively and quantitatively. Before the new form was introduced, little attention was paid to detainees' versions of the reasons for their detention. In most cases, only the complainant's side of the story was noted. Although only the detainee was interviewed, the report reflected the complaint filed, not the detainee's view of the matter.

347. Since the introduction of the new form, a start has been made on the systematic documentation of minors' reasons for running away from home and, in the case of ill-treatment, on recording histories of physical abuse, forms of emotional and sexual abuse and those responsible.

348. Data compiled from the records kept by social workers at police stations have then been systematized and processed in two stages. The first covers detention records from June 1989 to October 1990. These early statistics, particularly on minors running away from home, were used as background material for the National Campaign for the Prevention of Physical and Sexual Abuse from December 1990 to December 1991. The second stage began in late 1992, when more information was gathered, and covers records from the period beginning in November 1990.

349. The information gathered during the first stage of record-keeping included age, reason for detention, the detainee's story, the name of the complainant, the type of abuse and the perpetrator.

350. In the second phase, there has been greater interest in gathering information on socio-economic and educational circumstances. Besides the information previously gathered, that collected during the second stage has included level of education, reason for dropping out of school and occupation.

351. In accordance with its duty and power to ensure respect for human rights and constitutional guarantees (art. 268 of the Constitution), the Public Prosecutor's Office has set up the Victims Support Department.

352. In keeping with the principles of the Constitution and the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power, the Attorney-General's Office carries out its functions in accordance with a comprehensive approach to assistance based primarily on the psychological, social and legal aspects.

353. With regard to paragraphs 144 and 146 of the initial report, the Victims Support Department assists children and young persons who have behavioural problems or addictions, who have run away from home or suffered ill-treatment and minors at risk, etc. It also assists the parents or guardians of the children who, if appropriate, are referred to the Office of the Juvenile Guardianship Prosecutor.

354. The Office's responsibilities include the compilation of statistics on complaints and cases handled.

355. The new role assigned to the Public Prosecutor's Office of establishing a Complaints Department provides for a telephone hotline exclusively for complaints about the ill-treatment of children and young persons.

356. Specialized technical cooperation is required to systematize and computerize the statistics and research carried out (see annex, list of data collected, figures 6, 7 and 8).

50. Are any measures in place to ensure the implementation of national legislation which lays down the minimum age for domestic employment at 15, as well as the effective protection of children in domestic employment (see paras. 54 and 103 of the report)?

357. Article 193 of the Juvenile Code lays down employers' obligations towards juvenile domestic employees; they include the obligation to provide fair and humane treatment, although at present there are no measures to secure and monitor protection for children in domestic service or any guidelines to ensure the implementation of article 190 of Act No. 903/81, which sets the minimum age for domestic employment.

358. The Government has taken measures on behalf of children and, in particular, children and adolescents working in the street. In 1994, activities were started, such as the outreach campaign for children in Paraguay's interior, for child labourers in particular. Work began on drug use by street children and, on the initiative of the Secretariat for Women of the Office of the President of the Republic and with the support of the Department of Social Welfare and UNICEF, the first research on the "criaditas de Asunción" (Asunción's servant girls) was carried out by a group of social research workers (Así es) in order to make a diagnosis of this social problem, which mostly affects girls.

359. Moreover, the Secretariat for Women is committed to ensuring that the research does not remain merely theoretical, but is implemented and, in keeping with the State's responsibility, is carrying out policies to promote education, non-violence and a better standard of living for these girls and has cooperated with families who take them in, in compliance with its constitutional obligations.

360. The objectives of the research contained in the annexed document, "Las criaditas de Asunción", are:

To count the number of servant girls in Asunción: The study will focus on children in the 5 to 18 years age group. The data will be collected by a questionnaire.

For the purposes of the study, servants are defined as "girls aged from 8 to 18, who, in exchange for board, room and an education, perform domestic chores and errands, care for small children and carry out other similar tasks". This makes it possible to distinguish servants from domestic employees (see annex, item VIII, sample frame, pp. 149 et seq. of the document, "Las Criaditas de Asunción").

To assess quality of life, with an emphasis on education: The standard of living is related to "quality" of life, in respect of which the research tries to determine any deficiencies in the servants' quality of life. The following aspects of the standard of living are considered:

Education: This is one of the key elements of the research. The following indicators were used:

(a) Currently studying;

(b) Level of education;

(c) Type of establishment attended;

(d) Repeating a school year;

(e) Ownership of school materials and books;

(f) Time spent on studies;

(g) "Employer's" participation in school meetings;

(h) Follow-up to studies.

Health: The following indicators were used:

(a) Illness during the previous month;

(b) Medical care and purchase of medicines;

(c) Medical supervision;

(d) Dental examination.

Food: The indicator used was the number of meals per day (breakfast, lunch, etc.). Extra weighting was given to the main meals, but, on account of the difficulties involved, no attempt was made to assess their quality.

361. With regard to work done, the aim was to identify the main tasks performed by the servants and to determine how much time they spent on them and how much free time they had. The categories used are shown in the tables and the notes thereto.

362. The treatment received was assessed in terms of the kind of reaction caused by the servants' failure to perform tasks they had been assigned and the servants' own assessment of their situation.

363. The following indicators were used to assess the extent to which they are uprooted from their families: knowledge of where their parents live; number and frequency of visits from their parents.

364. Other variables analysed included the reasons why there are servants (from the viewpoint of the family of origin and from that of the families for whom they work), the situation of the family of origin, the profile of families with servants, households which have had servants, etc. For the criteria used, the relevant part of the report may be considered.

51. Please indicate whether any further programmes are planned to prevent and combat the sexual exploitation of children, including prostitution, as well as to promote their physical and psychological recovery and social reintegration.

365. When it ratified the Convention on the Rights of the Child, the Government made a commitment to the United Nations that it would establish bodies to deal with the welfare of the sector of society made up of "street children".

366. The National Centre for the Protection of the Rights of the Child (CENADI) was therefore set up on the initiative of the Ministry of Public Health and Social Welfare. Its responsibilities include the establishment of appropriate mechanisms to provide full protection for children at risk and to foster and encourage the development by its member organizations of their own programmes and projects on behalf of children.

367. One of its operational departments is the Department for the Prevention and Treatment of Child Abuse, which deals with child abuse in any sector of society: servant girls, trafficking, abuse and exploitation.

368. A preventive programme offers a 24-hour anonymous telephone hotline at CENADI and at the Attorney-General's Office.

369. Some municipal councils in the provinces have set up a social work department which studies the situation of marginal children (child prostitution, street children, etc.).

370. Title II of the draft Juvenile Code on "Overall protection" provides that "It is the duty of the State, of society and of the family to provide for and protect children and young persons from any threat, ill-treatment and/or violence against their physical, mental or moral integrity".

371. The draft Code also provides that all programmes, magazines or publications intended for children and young persons are required to respect ethical and social values and may on no account include advertising for alcoholic beverages, weapons, munitions or products that are harmful to health. In August 1996, a bill was being considered to give effect to this provision and any publication or programme for the sale and consumption of alcoholic beverages or cigarettes in which children are involved is prohibited. Advertisements for these products may be broadcast after 10 p.m. central time.

372. The draft Code lays down fines of between 1,000 and 2,000 times the minimum daily wage for representatives of the mass media who publish or broadcast such advertisements. Persons who use, consent to the use of or allow a child or young person to take part in the preparation, production and distribution of pornographic material are liable to between one and three years' rigorous imprisonment (art. 87).

373. The measures for the protection of children and young persons apply "whenever the rights to which they are entitled are threatened or violated:

(a) By an act or omission of society or the State;

(b) By fault, omission or abuse on the part of their parents or guardians; and

(c) As a result of their conduct" (art. 89).

374. In any of the situations referred to above, the competent authorities may adopt one or more of the following measures:

(a) The mental, psychological and social rehabilitation of the victim within his own family and community by means of a diagnosis made by the Victims Support Department of the Attorney-General's Office;

(b) Comprehensive psychological, social and legal assistance for the victims of offences.

(c) Assistance for children and young persons suffering from behavioural problems, addiction, who have run away from home or been raped, as well as assistance and guidance for their parents. The persons concerned are referred to the Office of the Juvenile Guardianship Prosecutor.

375. Educational and Community Support Base, a non-governmental organization, works in schools to implement educational programmes to prevent the abuse and ill-treatment of children, early pregnancy, AIDS and sexually transmissible diseases.

52. Please provide information on the existence of the exploitation of children from the sale and use of drugs and concrete measures to combat such exploitation.

376. At the Fifth Conference of Wives of Heads of State and Government of the Americas, held in Paraguay in October 1995, Dr. Mario Argandoña of the World Health Organization's Programme on Substance Abuse explained that the Programme had been established to prevent and lessen the risks involved in the use of psychotropic substances, particularly by children and young persons. During the past three years, the project was implemented in over 20 countries for street children who are at the greatest risk from the harm caused by these substances.

377. Under the first ladies' sponsorship, a WHO project has begun in Colombia, Nicaragua, Paraguay and the Dominican Republic offering hope to children in the street who, for lack of affection and food, use the cheapest and most poisonous substances, such as leaded petrol, glue, alcohol, tobacco and other drugs.

378. The WHO project is based on community organization and on encouraging street children to improve the quality of their lives by focusing attention on the health and psychosocial problems caused by the use of psychoactive substances.

379. In her report on the WHO-PSA street children and substance abuse project, written after her visit to Asunción in September 1995,

Dr. Kathia M. Butrón noted that "considerable progress has been made in Paraguay in the implementation of WHO's methodology and all the phases have so far been completed. There is excellent political support and there are grounds for optimism for the project's future and its extension to all Paraguay's major cities".

380. The project's main achievements are the following:

(a) The strengthening of links between educators, children and young persons.

(b) The target groups have given street children an environment in which they can be cared for and which has been very effective in preventing and protecting them from dangerous behaviour.

(c) The target groups have developed the educators' knowledge of the children and young persons.

(d) Ideas about day-to-day methods and experience are put forward in meetings between educators and coordinators. The recording and analysis of this information make it easier to plan and monitor activities.

(e) The risk factors common to the target population that have been identified include electronic games arcades, dropping out of school, exploitation at work and sexual abuse, etc.

(f) Group activities such as excursions encourage the minors' to take the initiative and use their experience to find solutions to their problems.

381. Asunción's street children usually work in the informal economy as chewing-gum and newspaper sellers, car-windscreen cleaners and shoeshine boys; they are known as working children and young persons. According to a study by Callescuela, they numbered 26,000 in 1992. There are also other street children, of whom there are about 100, according to the educators working with them. There are similar groups in other Paraguayan cities, mainly Ciudad del Este, Encarnación and Pedro Juan Caballero.

382. Training: a training workshop was held for representatives of 20 NGOs, the following 5 of which were selected to implement the project's start-up activities: the Christian Youth Association, the Callescuela Association, the Don Bosco Roga Home, the Dequeni Foundation and the Rosa Virginia Home, which works with young girls.

383. Target groups: each NGO holds weekly sessions with target groups composed of 44 boys and girls aged between 8 and 18. There are also fortnightly meetings between educators and coordinators monitoring the project. Prior to Dr. Butrón's visit, 10 target group meetings and 11 coordination meetings were held in each NGO.

384. There is a working team composed of a representative of the First Lady's Office, the Director of the Department of Mental Health of the Ministry of Public Health and Social Welfare and an educator. Representatives of PAHO/WHO and UNICEF take part in the team's discussions.

385. Monitoring and assessment: the activities are constantly monitored and adjusted on the basis of the target groups' records and the coordination meetings. Typical adjustments made are visits to the families of children and adolescents in the target groups, regular walks and the closure of electronic games arcades.

386. Records and legal documents, etc.: the records and reports of each of the participating NGOs are kept. A video-taped dramatization of a target group has been produced. Administrative and organizational instructions have been reproduced to ensure coordinated project implementation. The National Centre for the Protection of the Rights of the Child (CENADI) ensures coordination on the basis of the guidelines issued by the First Lady's office.

387. Interviews with project leaders, educators and participating NGOs and children have shown that all of them are fully familiar with the project and interested in further participation. All the educators speak Guaraní, and this facilitates communication with children from rural areas.

388. It is also obvious that the authorities are genuinely interested in supporting, expanding and publicizing the project. WHO's methodology has helped improve knowledge of the problems of street children, particularly with regard to the use of drugs (source: Fifth Conference of Wives of Heads of State and Government, Asunción, Paraguay, October 1995. Project on street children and the use of psychoactive substances. WHO, Programme on Substance Abuse.)

53. Please provide further information on the affirmative action being taken to ensure that children belonging to indigenous groups are not discriminated against in the enjoyment of their rights.

389. It is important to describe the general situation of the indigenous communities belonging to the 17 ethnic groups living in Paraguay.

Indigenous organizations

390. One of the most positive features of virtually all the indigenous peoples is that they are establishing their own indigenous forms of organization at the regional and national levels. This is a gradual process on account of the external difficulties encountered, including political pressure, exogenous development models and, most striking of all, the obstacles the indigenous organizations themselves frequently put in their way.

Land

391. The major challenge facing indigenous communities is their lack of land and title deeds. The land available is under constant pressure. In addition, it is increasingly difficult to ensure respect for the traditional territories and the status quo.

Indigenous health

392. The consequences of poverty and the lack of sufficient land are most apparent in the form of chronic undernutrition, the high infant mortality rate (which cannot be measured exactly because of the lack of statistics) and the increase in alcoholism and endemic outbreaks of tuberculosis, leishmaniasis, malaria, parasitic and respiratory diseases, to name the most common. In addition, there has been an increase in prostitution, with all the related illnesses, including the likelihood that AIDS will break out in one community or another because, if it has not done so yet, it is a genuine risk along the Brazilian border (source: "Los pueblos indígenas en el Paraguay: aspectos de su situación actual" (Paraguay's indigenous peoples: some aspects of their present situation), Ignacio Telesca, S.J., September 1995).

393. The objectives of the National Plan of Action for Children were determined on the basis of the vital statistics for 1990. The main goal is to reduce the infant mortality rate to 21 per thousand and the mortality rate for children under 5 to 27 per thousand. The aim with regard to vaccination is to increase coverage to 80 per cent of children under the age of one. As to the eradication of poliomyelitis, the goal is to increase polio vaccine coverage to 85 per cent among one-year-old children. The Plan also aims to reduce morbidity by 90 per cent and mortality by 95 per cent among children aged under five through the eradication of measles (source and annex: "Hacia las netas del Plan Nacional de Acción por la Infancia" "Achieving the goals of the National Plan of Action for Children").

Education for indigenous people

394. This is the area where the most progress has been made by the indigenous communities. An indigenous education plan has been jointly prepared by a group of indigenous NGOs, the supervisor of indigenous schools in the Ministry of Education and Worship and indigenous teachers. As of September 1995, the plan had not been put into operation. However, the Strategic Educational Reform Plan, Paraguay 2020, includes the following objectives: the strengthening of community culture and advancement for development and work through education; the preparation of a basic bilingual curriculum and course material for young persons and adults, primarily for Guaraní speakers; the establishment of a basic bilingual educational radio programme for Guaraní speakers in all departments; the implementation of a bilingual literacy programme using young volunteers, trainee teachers and secondary school students, etc. (source and annex: Strategic Educational Reform Plan, Paraguay 2020. For statistical data, see the Ministry of Education and Worship annex, 1994).

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13. Folder containing information sources from a number of agencies, 1996

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15. UNICEF, National Plan of Action for Children, 1996

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19. Rosa María Ortíz and Ada Rosa Martínez, "Che ha che Derechokuera", 1995

20. Global ... Infancia, Consejo por los Derechos del Niño y del Adolescente (Council for the Rights of Children and Young Persons), 1995

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25. File containing statistical tables from various agencies, 1996